DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

14 MAY

2004

Friday, 14 May 2004

Saturday, 15 May 2004

Friday, 14 May 2004

The Assembly met at 10.30 am.

MR SPEAKER (Mr Berry) took the Chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibility to the people of the Australian Capital Territory.

Suspension of standing and temporary orders

MRS DUNNE (10.33): I move:

> That so much of the standing orders be suspended as would prevent Order of the Day No 26, Private Members' business, relating to the Projects of Territorial Significance Bill 2004 being called on forthwith.

The Liberal opposition signalled last night that, given the heat of the debate about the need for progress on Gungahlin Drive, we would do this this morning. We are offering an opportunity for the Assembly to break the impasse and get on with building the road. We are as good as our word; we are here at the moment to do this. It's now up to the Assembly to decide whether they are going to be part of the problem or part of the solution.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (10.34): The government will agree with the suspension. Since I cannot do it, Mr Corbell will do that when possible. I thank the opposition for this move. Perhaps today will be a day of harmony rather than some of the experiences we have. I will undertake to organise a round table so we can sit down together and work through the issues.

Mrs Dunne: We have not suspended the standing orders yet, Bill.

MR WOOD: I am about to finish—I am a bit out of order. Thank you for bringing me in. We will organise that at lunchtime and come back later in the day to see what has been worked out.

MS TUCKER (10.35): If I understand what has just happened, Mrs Dunne wants to suspend standing orders to bring on a debate now for the bill that was tabled yesterday. Is that correct?

Mrs Dunne: Yes.

MS TUCKER: I would speak against that, obviously. The fact that we were working until midnight last night and that we are now seeing an attempt by the opposition to bring on full debate of the bill has to be condemned as an absolutely inappropriate process.

MS DUNDAS (10.36): The Democrats are also not happy to suspend standing orders in this way. There was a long debate last night about a few matters that wandered into the construction of the Gungahlin Drive extension but we are being asked to bring on debate

on the Projects of Territorial Significance Bill, less than 24 hours after it has been tabled, without proper time to truly consider it. I know it was circulated before then, but that would still be a very rushed debate. It is disappointing to see the Liberal opposition trying to do that when they have spoken so strongly against rushed debates being put forward by the government before.

Question put:

> That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 15		Noes 2
Mr Berry	Ms MacDonald	Ms Dundas
Mrs Burke	Mr Pratt	Ms Tucker
Mr Corbell	Mr Quinlan	
Mr Cornwell	Mr Smyth	
Mrs Cross	Mr Stanhope	
Mrs Dunne	Mr Stefaniak	
Ms Gallagher	Mr Wood	
Mr Hargreaves		

Question so resolved in the affirmative, with the concurrence of an absolute majority.

Projects of Territorial Significance Bill 2004

Debate resumed from 13 May 2004, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

Debate (on motion by **Mr Corbell**) adjourned to a later hour.

Public Accounts—Standing committee
Report 10—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming): For the information of members, I present the following paper and seek leave to make a statement.

> Public Accounts—Standing Committee—Report 10—Financial Management Amendment Bill 2003 (No 3)—Government response.

MR QUINLAN: I ask leave to make a statement.

Leave granted.

MR QUINLAN: Today I am tabling the government's response to the PAC report on the Financial Management Amendment Bill 2003 (No 3). The PAC made four recommendations, most of which the government agrees with. Later today I will table the Financial Management Amendment Bill 2004 (No 2), which proposes amendments to

the Treasurer's Advance provisions in the Financial Management Act. These amendments will incorporate most of the PAC recommendations. I will address these recommendations and amendments when I table the bill later today.

I will now address the PAC recommendations, which will not be addressed in the government's amendment bill. Recommendation 2 (d) is not agreed. The government considers that the PAC recommendation of providing for the return of unspent funds to the territory banking account by 30 June each year is administratively unworkable and will result in a high risk of a breach of the Financial Management Act occurring. The government maintains its position that this provision is inconsistent with the ACT's appropriation framework and section 34B of the Financial Management Act, which enables unspent appropriated amounts to be carried forward in departmental bank accounts. Therefore, no amendment to the act has been proposed.

Recommendation 3 of the PAC report recommends that regulations be prepared regarding the use of the Treasurer's Advance. The intention of this recommendation is unclear, as the recommendation is not supported in the body of the PAC's report, which suggests the preparation of "appropriate administrative guidelines for the use of the Treasurer's Advance which would serve to minimise the risk of its misinterpretation". The government is preparing administrative guidelines for the use of the Treasurer's Advance, which is considered an appropriate mechanism for detailing procedural matters.

Recommendation 4 is agreed in principle. The PAC report states that the government should not circumvent the estimates process by using Treasurer's Advance to make payments for items already included in a supplementary appropriation bill. The government would not seek to intentionally circumvent the estimates process; however, there may be circumstances where it is virtually unavoidable to not use the Treasurer's Advance for items already included in a supplementary appropriation bill. For instance, there may be situations where an issue needs to be addressed more urgently than anticipated or where the Legislative Assembly processes and sitting pattern combine to result in a substantial delay between the presentation and the passage of an appropriation bill. In this case it may be necessary to use Treasurer's Advance, even though the expenditure is included in a supplementary appropriation bill. Therefore the government agrees with the recommendation in principle, noting that unequivocal agreement is not appropriate.

In conclusion, the government acknowledges the complexities that have arisen with the application of Treasurer's Advance provisions of the act and is committed to making amendments to these provisions that will further improve territory financial management practices. I trust that the Assembly will support the government's amendment bill, which I will table later today.

Auditor-General Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.44): I move:

That this bill be agreed to in principle.

I seek leave to have my speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 2104.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Public Sector Management Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.45): I move:

That this bill be agreed to in principle.

I seek leave to have my speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 2 on page 2105.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Court Procedures Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.46): I move:

That this bill be agreed to in principle.

The Court Procedures Bill 2004 and the associated Court Procedures (Consequential Amendments) Bill 2004 have been developed to permit the harmonisation of practices and procedures in our courts, particularly the Supreme Court and the Magistrates Court. It removes jurisdictional anomalies between our courts and between our tribunals. The practices and procedures used in our courts derive from different sources. As a result the

practices and procedures used in the Supreme Court and the Magistrates Court differ significantly.

The practice and procedure used in the Magistrates Court is legislative in nature. Much of it can be found in the provisions of the Magistrates Court (Civil Jurisdiction) Act 1982. The practice and procedure of the Supreme Court derives from rules of court made by the judges under the Supreme Court Act 1933. One example of these differences will suffice. In the Magistrates Court a notice to admit facts requires a response within 21 days. If a response is not received, the person will be taken to have admitted them. A similar notice in the Supreme Court requires a response within 14 days and a failure to respond involves no admission. However, the differences between the courts is a trap for the unwary and may have a significant impact on an outcome in a case. There is no good reason for variations between the courts. There should be a rule covering this point and the rule should be the same.

In 1997, the Community Law Reform Committee argued that uniform procedures would be useful. It identified a number of reasons: reducing costs by enabling lawyers to find the relevant rules more quickly and to consult common annotations and/or case notes; reducing the potential for confusion as to whether authorities dealing with rules in one court apply to a comparable but different rule in another; reducing the likelihood of litigants having to pay unnecessary costs as a result of procedural mistakes; and reducing the cost of maintaining a constant revision of rules facilitating the transfer of proceedings from one court to another without unnecessary delay or expense.

The committee recognised that it was relatively easy to identify the goal. The real difficulty was working out how to get there. The committee was aware of the magnitude of that task. It identified some of the necessary preconditions. These included the establishment of a common rules committee, development of a common format of rules, development of rules for common pleadings, use of common terminology, the elimination of jurisdictional anomalies and development of common procedures at a registry level—perhaps a common administrative service under the supervision of a single chief executive officer.

In 2000 Mr Ted O'Grady, a respected jurist in the field of court practice and procedure, considered how the task might be achieved in the ACT. He found little consistency between the rules of the ACT Magistrates Court and the ACT Supreme Court. Further, it became apparent that the legislatively entrenched procedures of the Magistrates Court were comparatively difficult to change. Many of the Magistrates Court's procedures had been abandoned in other jurisdictions.

When this government developed its tort reform agenda a couple of years ago these challenges were identified as requiring a concerted effort by all concerned. Members will be aware that the ACT's tort reform agenda is being dealt with in three stages. In the first two stages we have rebuilt the civil law about wrongs word by word. This undertaking is largely complete. The third and final stage, the subject of the legislation I have introduced today, involves harmonising the practice and procedures of the courts. Currently the rules of the Magistrates Court are contained in the Magistrates Court Act and the Magistrates Court (Civil Jurisdiction) Act. These rules may only be changed by the Assembly amending the legislation.

The need for flexibility and responsiveness in improving court procedures is recognised in other Australian jurisdictions, but the approach used to determine rules in the ACT Magistrates Court is out of step with other Australian states and territories. On the other hand, since 1937 the Supreme Court has been able to make rules about its procedures. The rules are developed by a rules committee and are made by the judges. Like other subordinate legislation the rules of disallowable instruments are under constant review, constantly changing to meet new challenges.

To the issues earlier identified by the committee and Mr O'Grady we might now add a number of specific benefits in moving to harmonise the rules of the Magistrates Court and the Supreme Court. These include continuously improving and simplifying the procedures of the Magistrates Court; enabling inefficiencies in the Magistrates Court procedures to be remedied by rule rather than awaiting legislative amendment; ensuring consistency between the procedures in the Supreme Court and the Magistrates Court; and improving access to justice by making court procedures less complex and divergent.

Reflecting these benefits, therefore, the objects of the Court Procedures Bill are to recognise the importance of court procedures in our system of justice; and facilitate cooperation between the ACT courts in the common goals of improved access to justice through the development of procedures that are, as far as practicable, the same for all ACT courts; and better court procedures.

The package I am introducing today consists of two bills. The Court Procedures Bill 2004 provides the framework for the development of new harmonised rules and the Court Procedures (Consequential Amendments) Bill 2004 amends a wide range of legislation. We are organising the existing practices and procedures of the courts to provide the foundation for the development of the new rules but also removing jurisdictional anomalies between the courts and between tribunals. For example, the bill provides that appeals from tribunals other than the Guardianship and Management of Property Tribunal and the Mental Health Tribunal require the leave of the Supreme Court, and provides for cases in the Magistrates Court to be expired after 12 months like in the Supreme Court.

Part 1 of the Court Procedures Bill deals with preliminary matters such as commencement of the act and alerts readers to the objects. Part 2 is the central part of the legislation establishing the rule-making power, which includes the power to make forms, and also establishes the rule-making committee and the advisory committee. The rule-making committee will review existing and proposed rules to ensure that practices and procedures are consistent for the courts.

To provide appropriate levels of stakeholder consultation and assist the rule-making committee an advisory committee is also created under the Court Procedures Bill 2004. The advisory committee consists of a judge of the Supreme Court, the master, two magistrates, the court registrars, representatives of the bar association and law society, the DPP, parliamentary counsel, and a public servant nominated by the chief executive of the Department of Justice and Community Safety. Part 3 of the Court Procedures Bill relates to court and tribunal fees; part 5 incorporates provisions currently existing in the Crown Proceedings Act; part 6 covers miscellaneous items; and part 7 provides a range of temporary provisions that, in essence, identify the current rules and documents that

contain these. Part 7 also reflects the objects of the act by providing a timeframe for harmonisation.

Part 8 creates a new document called the Magistrates Court (Civil Jurisdiction) Rules 2004, or the Magistrates Court Rules. That is a transitional measure. Part 8 of the Court Procedures Bill has a number of other functions. It provides that forms approved for use in the Magistrates Court by other specified legislation are taken to be forms approved under the new act. Schedule 1 of the Court Procedures Bill provides the subject, scope and parameters of the rule-making committee's authority to make rules. The Court Procedures (Consequential Amendments) Bill amends a wide range of laws, including the Court Procedures Bill 2004, to give effect to the policy in the act.

The introduction of these bills represents a significant milestone in the development of our legal system. From the passage of this legislation it will be possible for those responsible for managing the rules of the courts to proceed to develop harmonised rules. The development of the legislation fulfils our obligation to improve the management of civil claims in the courts as the final stage of a package of reforms designed to address issues raised as a result of the indemnity crisis in 2002. Further it will bring benefit to the courts as well as for those of the profession and the public who use the courts by improving access to justice through improved rule-making systems. I commend the bills to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Court Procedures (Consequential Amendments) Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.55): I move:

> That this bill be agreed to in principle.

Mr Speaker, my in principle speech on this bill was incorporated in the speech I made on the previous bill, the Court Procedures Bill 2004.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Crimes Legislation Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.56): I move:

> That this bill be agreed to in principle.

I present the Crimes Legislation Amendment Bill 2004. This bill is the result of a government commitment to implement legislation necessary for the Commonwealth to ratify the International Labour Organisation's Convention No 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. The convention obliges Australia to take immediate and effective measures to prohibit the worst forms of child labour and, under the federal system, this obligation falls to the states and territories.

The government supports the ratification of the convention so today brings forward amendments to the Crimes Act 1900 and to the Prostitution Act 1992. The government also supports the Commonwealth's intention to ratify the United Nations' optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography. The convention and optional protocol oblige state parties to criminalise serious violations of the rights of persons under the age of 18.

At present the Crimes Act offences of employing a child for pornography or possessing child pornography only apply if the person is under 16 years of age. The government believes that it is appropriate to raise the age for these offences to 18 years. This will not change the age of consent for sexual intercourse, but will add an important measure of protection for children aged 16 and 17 from exploitation for pornographic purposes. The Prostitution Act already criminalises causing or permitting persons under 18 years of age to engage in prostitution.

The amendments in this bill will insert new offences in the Crimes Act to ensure adequate punishment for those who use or otherwise involve children under the age of 18 years in the production of child pornography and the giving of pornographic performances, and also for those who trade in and possess child pornography. The amendments will also insert a revised offence in the Prostitution Act to ensure adequate punishment for those who cause, permit, offer, or procure children for prostitution. The government is confident that these amendments will put beyond doubt the territory's compliance with the convention and with the optimal protocol. I commend the bill to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Justice and Community Safety Legislation Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.59): I move:

> That this bill be agreed to in principle.

I seek leave to have my speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 3 on page 2108.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Partnership (Venture Capital Funds) Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.00): I move:

> That this bill be agreed to in principle.

The government is pleased to introduce the Partnership (Venture Capital Funds) Amendment Bill 2004. This bill amends the Partnership Act 1963 and provides a regulatory framework for the formation and operation of incorporated limited partnerships in the ACT. Incorporated limited partnerships are vehicles for venture capital investments. They are new to the ACT; however, they are dominant structures for venture capital funds internationally. The Australian venture capital industry has been lobbying state and territory governments to enact legislation for a scheme for incorporated limited partnerships. The novel feature of this entity is that it will be incorporated but will also be a partnership.

Victoria was the first jurisdiction to provide for incorporated limited partnerships. Recently New South Wales has also enacted legislation on incorporated limited partnerships. The ACT is quick enough to follow the larger jurisdictions in preparing its legislation for these venture capital entities. The government is keen to encourage venture capital flow into the territory to enrich its economy. This legislation is a progressive step towards achieving this objective.

Venture capital investment involves high risk and is essential for start-up companies and businesses which undertake activities which require years of research and development such as medical technology and biotechnology. A number of successful Australian companies may not have succeeded if they had not received venture capital funding. The Venture Capital Act 2002 of the Commonwealth provides for registration of bodies engaged in venture capital investments. I will just briefly explain some of the features of these Commonwealth registered bodies. These bodies are Venture Capital Limited Partnerships, or VCLP; or Australian Funds of Funds, or AFOF. An AFOP pools investment and may invest in other funds or use VCLPs to invest in companies.

An investor in a VCLP or an AFOF will have flow-through taxation benefits under the taxation laws of the Commonwealth. Another entity called venture capital management partnerships will be a general partner in a VCLP or an AFOF. As the general partner it will be a manager of these bodies. The Commonwealth has introduced legislation into federal parliament to enable an incorporated limited partnership to become a VCLP, AFOF or venture capital management partnership.

The strong incentive for an investor to invest in an incorporated limited partnership will be the benefit of limited liability it offers, about which I will explain. Incorporation ensures that the benefit of limited liability of an investor will be able to be recognised outside the jurisdiction where a partnership is incorporated. Normally the incorporation law applying to an incorporated entity will be recognised in other jurisdictions where a legal dispute arises involving the entity. This will be an additional protection to investors.

I will briefly explain some features of the bill. The bill enables persons, including companies and individuals, or partnerships, including partnerships formed in another jurisdiction, to register as an incorporated limited partnership if they want to seek registration as a VCLP or AFOF under Commonwealth law or to become a venture capital management partnership. They could also register as incorporated limited partnerships if they have already been registered as VCLPs or AFOFs or are a venture capital management partnership.

The Commissioner for Fair Trading will register incorporated limited partnerships and administer the scheme under the bill. The bill provides for the entity to have not more than 20 general partners and at least one limited partner. Any number of limited partners may be investors in an incorporated limited partnership. Partners are required to have a partnership agreement which will have effect as a contract between the incorporated limited partnership and each partner. The agreement will govern the interests, rights and duties of the partners.

As I said before I would like to explain the effect of limited liability that the bill provides for an investor. Liability of partners in a normal partnership for the partnership debts and obligations is unlimited. In an incorporated limited partnership there will be two types of partners. General partners are similar to normal partners and their liability for the liabilities of an incorporated limited partnership is not limited.

The liability of an incorporated limited partnership is also not limited; however, liability of a limited partner of an incorporated limited partnership is limited. Their liability is limited to the extent of their contribution of capital or property to the partnership or the obligation they have undertaken to contribute such capital or property. Limited liability does not prevent a limited partner's contribution of capital or property to the incorporated limited partnership being used in satisfaction of the partnership's liability or the liability of a general partner in that partnership. A limited partner's obligation to contribute capital or property could also be enforced in satisfaction of such liability.

The bill also clarifies that a general partner or the incorporated entity is not an agent of a limited partner and a limited partner is also not an agent of a general partner or the entity. This ensures that investors who enjoy the benefit of limited liability do not take part in the management of the entity's business. The bill also provides for recognising of incorporated limited partnerships formed in other jurisdictions. The bill provides for three types of winding up of an incorporated limited partnership. They are: voluntary winding up, winding up on a certificate issued by the Commissioner for Fair Trading, and winding up for insolvency.

I hope that incorporated limited partnerships will serve as useful vehicles to achieve investment objectives envisaged in the Economic White Paper, such as assisting innovation-based private sector firms and addressing the concern about the vulnerability of the narrow structure of the ACT economy. I trust that this bill will be well received by the investment community and businesses in the ACT and outside. I commend the bill to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Tree Protection Bill 2004

Mr Quinlan, on behalf of **Mr Stanhope**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.06): I move:

> That this bill be agreed to in principle.

This is written in the third person. On behalf of the Minister for Environment, with great satisfaction I bring the Tree Protection Bill to the Assembly today—a bill for the permanent protection of urban Canberra. Every Canberran enjoys the benefits of living in one of Australia's best urban forests. The urban forest provides us with economic, environmental and aesthetic benefits as well as playing an important role in the realisation of Walter Burley Griffin's vision of a city. The development and maintenance of a healthy urban forest is an important step towards creating a sustainable city. This bill will replace the Tree Protection (Interim Scheme) Act 2001 with legislation that will significantly improve the protection of outstanding trees throughout the city and will ensure that the benefits of the urban forest can be enjoyed long into the future.

In October 2002 the government released a discussion paper, *Tree Protection for the ACT: The Next Steps*. This discussion paper canvassed a range of issues that arose during the administration of the interim scheme. The community response to the discussion paper and subsequent consultation was strongly supportive of tree protection; however, the most common complaint was the onerous and unnecessary intrusive nature of the current interim scheme. It is apparent from the community consultation that the broadscale, scattergun approach of the interim scheme is not appropriate and is unnecessarily intrusive upon the activities of the very people who helped create Canberra's garden city image.

However, the interim scheme has been valuable in preventing the unnecessary removal of trees and wholesale block clearing in redevelopment projects, and has been a major factor in making architects and developers consider trees in the planning process. There are many individual trees and groups of trees throughout this city upon which the community places a lot of importance. Some of the old remnant eucalypts, for example, provide an important link to our past. Some trees are valuable for ecological or botanical reasons, or simply for their outstanding contribution to the landscape of the city.

Under this bill these trees would be listed on an ACT tree register and provided with a high level of protection. The strategy developed by this government for the transition from the current interim scheme to the permanent scheme would see a comprehensive survey of the city undertaken to identify trees of high importance. Tree protection measures, similar to the current interim scheme, will continue to be applied while the work is being undertaken.

The outcome of this process will be the establishment of an ACT tree register and the progressive lifting of the interim scheme across the city. However, in recognition that urban forest values may warrant general protection on the grounds of heritage significance or threat from development activity, the bill provides for the declaration of tree management precincts. The tree management precincts may be declared in an area where there is an identified risk to the urban forest values due to development activity; heritage values require the protection of the landscape; or construction activity associated with new estate developments poses a significant risk to trees.

In addition the bill establishes an independent tree advisory panel that will ensure that decisions made about trees and their management requirements will be subject to high calibre technical advice. There will also be improved procedures for review of decisions about trees. This bill represents a more strategic and targeted approach to tree protection than the interim scheme currently in place. It focuses tree protection measures on areas of particular trees where it is most needed. Importantly, in the majority of cases it will allow the people of Canberra to manage their own trees without interference. I commend the bill to the Assembly and table the explanatory memorandum.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Gaming Machine Bill 2004

Mr Quinlan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.11): I move:

> That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 4 on page 2110.

MR QUINLAN: I also seek leave to make a very brief statement.

Leave granted.

MR QUINLAN: The speech is incorporated into *Hansard*. I would just like to advise the House that this bill is completely consistent with the government response to the report of the Racing and Gaming Commission which has previously been tabled in this place.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Financial Management Amendment Bill 2004 (No 2)

Mr Quinlan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.12): I move:

> That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 5 on page 2113.

MR QUINLAN: I also seek leave to make a very brief statement.

Leave granted.

MR QUINLAN: This bill is completely consistent with the PAC report in relation to Treasurer's Advance that I tabled earlier today.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Revenue Legislation Amendment Bill 2004

Mr Quinlan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.14): I move:

> That this bill be agreed to in principle.

I seek leave to have my speech incorporated into *Hansard*.

Leave granted.

The incorporated document appears at attachment 6 on page 2115.

MR QUINLAN: I also seek leave to make a very short statement.

Leave granted.

MR QUINLAN: Members will observe as they read this bill that it relates to uniform payroll tax legislation which is recommended by the sometimes infamous Cole royal commission in relation to joint and several liability for payroll tax.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Gungahlin Drive Extension Authorisation Bill 2004

Mr Wood, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.16): I move:

> That this bill be agreed to in principle.

The Gungahlin Drive Extension Authorisation Bill is intended to ensure that this crucial link in Canberra's transport network is constructed as soon as possible, and without constant legal challenges, so that the residents of the growing Gungahlin area have appropriate levels of access to other parts of the city.

The project responds to the needs of Gungahlin's growing population to meet over time the transport requirements of a population of up to 100,000. The nine kilometre road will link the Barton Highway at Gungahlin Drive with the Tuggeranong Parkway at the Glenloch interchange. The GDE will provide a transportation route that integrates with its environment and provides an attractive driving experience with easy accessibility. The design is the result of extensive community consultation as well as numerous planning and detailed environmental studies. As a result of this consultation a number of significant changes have been made to the design, including reducing the impact on Bruce and O'Connor Ridge and improving the landscaping plan by planting two native trees for every larger tree removed.

Consultation with representatives of the local indigenous community has been undertaken, including on-site inspections of known and potential heritage sites. The design has also taken into account factors such as facilitating the movement of native animals between Black Mountain and Aranda bushland and extensive noise abatement measures. Despite all this work, the government's efforts to construct this road have been frustrated by a series of legal challenges designed only to disrupt the project. This bill includes provisions to minimise such disruptions in the future including an authorisation for the construction of the project.

The bill provides for the minister to issue any future approvals required for the project. Should the minister give an approval that has been made previously by the relevant

decision maker, the earlier approval will be revoked by the issue of the new approval. A decision by the minister to issue an approval only creates a right in the territory, anyone acting for the territory, the recipient of an approval, and anyone acting under an approval. The minister's decision is final and can only be challenged by a person in whom a right was created. In addition, any claims that a required approval has not been obtained or has not been properly given must be notified to the minister before any other action is taken.

The bill includes a power to make regulations; it expires after five years unless another date is prescribed under the regulations; it excludes decisions made under the bill as enacted from a review under the ADJR Act 1989; and includes amendments to the Land (Planning and Environment) Act 1991 to clarify issues regarding the call-in powers. The bill complements the other initiatives announced by the government to allow work on the project to recommence, including amendments to the Land Act regulations. It is time for the disruption of the project to stop and for the people of Gungahlin to get a fair go.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Roads and Public Places (Vandalism) Amendment Bill 2004

Mr Wood, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.20): I move:

> That this bill be agreed to in principle.

This bill is part of a whole-of-government strategy being developed to combat vandalism in our city, and amends the Roads and Public Places Act 1936 to facilitate the more rapid removal of graffiti and the protection of abandoned vehicles from vandals. The government spends almost $1 million a year on the removal of graffiti but is often impeded from doing so from private assets by the need to first obtain the property owner's approval.

In many instances where removal of graffiti from private assets is warranted the property is being rented, the owners are difficult to locate and there is no response to letters seeking approval to remove. The bill will simplify and speed up the process of graffiti removal from private assets by empowering government contractors, employers and employees to remove graffiti from private assets such as fences and building walls on private land, where the graffiti is visible and the place where it is located is accessible from public land and to do so whether or not the occupier of the land has agreed to this work being carried out. The government will continue to bear the cost for such removal.

Simplifying and speeding up the process of removal from private assets will not only protect our visual amenity but also reduce the peer recognition that comes from a graffiti tag, which is a graffitist's identifying mark or signature. It is important to understand that the bill does not place a legal obligation on the government to remove graffiti. In

particular, the bill should not be seen as signalling any shift in responsibility for commercial building owners to maintain their buildings, including the removal of graffiti.

The bill also facilitates the more rapid removal of abandoned vehicles from public land. These are often the target of vandals, and the proposed changes will increase the government's capacity to protect vehicles and the surrounding area by reducing from seven to two days the time allowed for the owner to remove the vehicle before authorised officers can remove the vehicle to a secure location. I commend the bill to the house.

Debate (on motion by **Mr Cornwell**) adjourned to the next sitting.

Emergencies Bill 2004

Mr Wood, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.24): I move:

> That this bill be agreed to in principle.

I present the Emergencies Bill 2004. It is a bill to establish an independent Emergency Services Authority in place of the existing Emergency Services Bureau and to consolidate and modernise existing legislation for the management of all emergencies in the territory. I welcome to the chamber Mr Peter Dunn, the emergency services commissioner, and officers who have worked extraordinarily hard to bring this large piece of legislation to the Assembly for its consideration, and I thank them for the work that they have done on behalf of all Canberrans.

Members of this Assembly will have vivid, sometimes fearful, memories of the events surrounding the firestorm on 18 January 2003. We have all been involved in discussion and debate about how those events occurred, how they were managed, and what might be done to make sure that either they do not recur or that they are managed to the very best of our capability.

It has not been easy for us or for the community we serve to endure the long processes of acceptance, recovery and investigations that necessarily follow such a disaster. These processes will continue for some time yet and I hope that we will continue to learn and contribute to the improvement of this territory's ability to deal with future major emergencies, should any occur.

As significant as the firestorm was, it must not be the only focus of our reform. If such a terrible experience can be seen as serving our community in any way, then it must have been to highlight the need for large-scale reforms to our emergency services management structures and processes generally. The report of the McLeod inquiry found inefficiencies in the structure of the ACT's emergency services arrangement that frustrated the community, emergency workers and volunteers, and recommended that the

ACT emergency services, including assets and personnel, be contained and managed within a new authority.

The McLeod report recommended, among other things, that the Emergency Management Act 1999 should be reviewed with the aim of preparing legislation that provides for different levels of special powers and the capacity for escalation measures to be invoked to assist in the management of emergencies and that the Bushfire Act 1936 should be reviewed and redesigned to reflect contemporary needs and the ACT Bushfire Council's role should be re-expressed in the act to more accurately describe its current activity.

It also recommended that a fire abatement zone should be defined between the north-west and western perimeter of Canberra and the Murrumbidgee River and the foothills of the Brindabella range and that the abatement zone should be declared a bushfire-prone area and the requirements of the Building Code of Australia—in particular, its standards for bushfire-prone areas—should be applied to all future developments in the zone.

The McLeod report also stated:

> …the Emergency Management Act, Bushfire Act, Fire Brigade Act and Fire Brigade (Administration) Act would all need to be changed. This should present an opportunity to review all the relevant provisions. Placing those that have continuing validity into a single…act would seem to be a desirable outcome to work towards.

A considerable amount of work has been required, in consultation with numerous stakeholders, to develop an appropriate model for an Emergency Services Authority, one which will unite the four services under one management umbrella and which will allow efficient and flexible management of operations in the field.

The level of consultation undertaken on this project has been extraordinary. Commissioner Peter Dunn has conducted many meetings and workshops over the past six months with emergency services agencies and volunteers, the Bushfire Council, relevant unions, the Volunteer Brigades Association, the Rural Lessees Association, community councils, rural-urban interface community groups, and members of this Assembly.

In addition to that, there has been considerable effort made to keep agencies advised and to receive their views on the project. An internal working group, consisting of representatives of all stakeholder agencies, has been meeting fortnightly to discuss progression of the legislation, the development of the authority and a range of key implementation issues. The results of that most comprehensive consultation are to be seen in this bill and what I would think will be its ready acceptance in this chamber.

There has been very strong general support during the consultation process for the establishment of the new authority and for the procedural reforms included in the bill. A number of issues have been raised and resolved between the various representatives within and outside government. Consequently, this bill represents an accurate reflection of the balance of views about how the authority should be established and emergency management undertaken.

I express the government's gratitude to the community, emergency workers and volunteers, and members of this Assembly for the assistance they have given and the patience and understanding they have shown during the researching and development of this bill. The coronial inquiries into the 2001 and 2003 bushfires may raise the need for changes, not only to processes in the field but also to the current approach to emergency management generally. Members should be aware that the outcomes of those inquiries may warrant additional reforms not covered in this bill, but that should not delay the current suite of reforms.

It is now time to take the next and very significant step in the reform of emergency services—the creation of the Emergency Services Authority and its management structures. The bill creates that authority and reforms emergency management across the board. In essence, it makes a number of following core changes.

The focus of the new authority's role is clearly guided by the statement of objectives at clause 3 of the bill. In short, the authority's role is to protect and preserve property, life and the environment and to provide for effective and cohesive management of the four emergency services. The bill also recognises the value of all emergency service workers. There is a clear statement in the object of the authority's environmental responsibility: there must be a proper balance between planning and managing fire and emergency issues on the one hand and protection of the authority on the other.

The authority will be constituted by a single person, the emergency services commissioner. There will be no board of management. An authority headed by a board of management would be inconsistent with the recommendations of the McLeod report, which proposes that a chief executive, not a board, should head the authority and that the chief executive should report directly to the minister. The board model would detract from the authority that McLeod proposed be invested in the commissioner and would complicate lines of responsibility and accountability in any operational environment which requires absolute clarity in relation to these matters.

The authority will be responsible for the strategic direction and management of the four emergency services and for community awareness and preparedness in relation to emergencies. This will bring cohesive and flexible management to the organisation and focus the authority more directly on keeping our community more informed and ready if an emergency should arise. The commissioner will be responsible for promoting the objects of the act and for the effective management of the authority's functions. The authority will be required to keep the minister advised on emergency capability and preparedness. It will also consult with the Bushfire Council on land management issues and the making of the strategic bushfire management plan, and advise the minister.

The bill provides for the return of the Bushfire Council as a core advisory body in fire management in the ACT. There is a requirement to have regard to essential skills when making appointments to the council, which will be restored as a direct adviser to both the minister and the authority on bushfire issues. The Bushfire Council will publish its minutes to ensure that decision-making processes are transparent and that the council and the authority are accountable for their decisions and actions.

The authority will be subject to general policy direction from the minister, but must be given an opportunity to comment on proposed directions. Any direction given must be presented in this Assembly. The authority will have significant reporting responsibilities to the minister, if required, and through the annual reporting process. The opportunity has been taken in preparing this bill to consolidate and modernise the Emergency Management Act 1999, the Fire Brigade Act 1957, the Fire Brigade (Administration) Act 1974 and the Bushfire Act 1936, as suggested in the McLeod report.

At present, there are many levels of rules for the operation of the services—four acts, regulations, guidelines, manuals, protocols and so on. The functions performed by those documents have become confused. The bill clarifies and streamlines the regulations of the four services. It provides for the commissioner to have the power to make guidelines for the operation of the services. Naturally, those will be prepared over a period, but as quickly as practicable, and will phase out much of the existing working documentation of the services. It also provides for the chief officer of each service to prepare standards and protocols for their services and, where possible, standardise the powers of the chief officers.

The provisions for staffing the services and for the appointment and functions of service chiefs have been consolidated. While the services will retain their individual identity and ethos, which is very important, there is a clear direction to operate and manage in a cohesive environment. The bill makes provision for joint training and preparation and brings the services, structurally and culturally, closer together, which was the intent of the McLeod report. It goes beyond the McLeod report by providing for four services rather than two. This will ensure that the services retain their identity and culture, but are integrated into the new authority and operate under the new legislation.

The Bushfire and Emergency Service has been split to give greater recognition of the role of the emergency service arm. The bushfire service will now be known as the Rural Fire Service, in line with common practice throughout the nation. The bill changes the name of the emergency service, which will be known as the State Emergency Service, or SES. While it may seem strange to name a territory agency in this way, the change is being made as a public information and safety measure to avoid confusion about how it can be contacted. There have been examples of people not knowing how to contact our emergency service because it is listed under "E" rather than "S" in the phone book, where all other SES organisations are found. The name also recognises the status of our emergency service in relation to its state counterparts.

The bill provides clear recognition of the role of the Fire Brigade in rescue operations and in responding to hazardous materials events. Members of the urban fire brigade are currently employed, not under the Public Sector Management Act 1994, but under the Fire Brigade (Administration) Act 1974. The bill provides for the repeal of that act upon the signing of a certified agreement which would include those provisions of the Fire Brigade (Administration) Act that are identified in the bill for retention. Having all members of the authority employed under the Public Sector Management Act will take us a long way towards creating a unified emergency services organisation and will bring to firefighters the added advantage of great mobility.

The bill establishes community fire units, whose role will be to protect homes and property in the event of a fire in their local area. They will operate at the request of, and under the direction of, the chief officer of the Fire Brigade.

The Emergency Management Committee is being re-established by this bill, with the commissioner as its chair. The committee is to advise the Chief Minister and the minister about emergency management issues and is to be a point of liaison between agencies, organisations and the community. The committee will prepare the emergency plan and monitor and recommend amendments to it.

To enhance our capacity to scale up in emergencies, the bill makes express provision for the facilitation of cooperation between territory, state and Commonwealth agencies. These provisions will enable the territory controller or the authority to obtain and direct resources from outside the territory, or to direct territory resources to incidents outside the territory.

To enhance the territory's capacity to inform and make safe our community, the bill provides for a dual alert system. If appropriate, the minister may now declare a state of alert in the event of a likely emergency—for example, an approaching severe storm. The purpose of declaring a state of alert is to put the community on notice of a developing situation that may have the potential for serious impact on the community. A declaration of a state of emergency is to be possible with a minimum of process. There will be no complex layers of bureaucracy. All that is required is that the minister is satisfied that an emergency is "likely to happen".

It is not anticipated that a state of alert will be declared every time the Bureau of Meteorology issues a weather warning, nor every time there is a bushfire. Rather, a state of alert might be declared for large-scale impending emergencies when there is advance warning. Of course, a warning cannot be given where there is no prior knowledge of an event that may occur, such as the sudden collapse of a major building or a dam, or a sudden earthquake. In other words, the declaration of a state of alert is to be used when an emergency is likely. It does not substitute for the existing warning system employed by the Bureau of Meteorology.

The existing process for the declaration of a state of emergency remains, but there will be no alternate controller. The Chief Minister will appoint a territory controller, who will be the person most appropriate in the circumstances to manage the emergency. Wherever possible, the functions of chief officers have been consolidated. Similarly, there has been a consolidation of provisions relating to inspectors and investigations. This has done a great deal to clarify and shorten the consolidated legislation and also has drawn the management structure of the authority closer together.

The retention of two fire brigades, urban and rural, invokes a need to clarify the planning and operational responsibilities of the two services. Generally speaking, the Fire Brigade, being the urban brigade, will mainly respond to fires in built-up areas, while the Rural Fire Service will respond outside the built-up areas. The bill makes a major change to the existing management system in that it provides that, within the bushfire abatement zone, the Fire Brigade will have responsibility, in consultation with the Rural Fire Service, for planning for fires. The format provides for the urban firefighters to have greater input to

strategies and planning for fires that might approach the built-up areas. The bill expressly provides for the two fire services to assist one another.

The bill contains significant reforms in planning and fire risk reduction. As far as possible, all of the various plans and rules about land management, particularly fire fuel management, have been drawn into a single framework, and there is a clear obligation upon agencies and government land managers to work together to ensure that standards are agreed and maintained. The new authority will be required to conduct audits of the bushfire preparedness and capability of the land management agencies.

The inclusion of an abatement zone around the more fire prone parts of the city will apply new planning and management rules to outer areas so that the possibility of large-scale damage to our physical assets and our people is minimised. The bill also amends the Building Act 2004 to provide for land to be declared bushfire prone and to require any new buildings on that land to meet additional standards in the building code.

The power of the ESA to deal with hazardous materials has been enhanced and clarified. Compliance and enforcement provisions have been significantly simplified and strengthened in this bill. The old provisions of the Bushfire Act have been overhauled and reproduced in simple form in the bill, which will now apply some penalties outside the bushfire season. There are some amusing but antiquated provisions in the Bushfire Act and its regulations that have been overdue for review for some time. For example, I imagine that there are not too many people that might be caught using stick or crude phosphorus without permission these days. *(Extension of time granted.)*

Those kinds of revisions have been completely changed to apply in a modern context. There is strong recognition in this bill of the valuable role of our volunteers, who are given clear ownership of their role. There are, of course, various transitional matters, such as transfers of assets and liabilities to the new authority and the continuation of members of the Emergency Management Committee and a short-term extension to the existing members of the Bushfire Council.

Finally, there are consequential amendments to a range of acts to account for the identity and role of the new authority. I had intended to include in the bill a provision requiring owners of certain buildings, including offices, schools and clubs, to provide comprehensive information to workers about measures taken to protect people from fire and fire-related emergencies. However, the matter requires further development and consultation, and I will ask the new authority to consult further on that proposal.

In total, the bill is a complete revision of all the existing legislation for emergency management. It modernises, simplifies and clarifies the planning and management functions of each of the four emergency services and draws those services under a much more cohesive and strategically focused structure. The new authority is designed to be the central focus of emergency management in the ACT—a one stop emergency management shop.

I know that members of the Assembly already have been extensively consulted on this legislation. I now encourage further discussion. For that purpose, the government will make members of my office and my departmental officers available as soon and as often

as needed to discuss this legislation and considerable effort will be put into continuing to inform the community about it.

It is important to consider and debate this legislation at the earliest opportunity so that the Emergency Services Authority, so strongly advocated in the McLeod report, can be operational before the next bushfire season. We cannot and should not wait for another fire season to pass before moving to reform emergency management. I look forward to that debate and discussions on the bill with Assembly members. Again I thank officers for their sterling work and members of this chamber and the wider community for the interest that they have shown in it.

Debate (on motion by **Mr Pratt**) adjourned to the next sitting.

Heritage Bill 2004

Mr Wood, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.48): I move:

> That this bill be agreed to in principle.

It is my pleasure to table the Heritage Bill 2004. I thank those people in the Assembly that have worked assiduously over many years to get this bill into this chamber. Like the emergency services bill, it has involved extensive and continuing consultation that has taken rather longer than the emergency services bill. That consultation followed the tabling of an exposure draft of a heritage bill in August 2002, so there has been nearly two years of activity.

The exposure draft was a forward-looking bill that simplified the previous system as well as integrating heritage into the development assessment and approvals process. It proposed a new process whereby the Heritage Council would have responsibility for heritage registrations, as opposed to the territory planning authority. The new system proposed in the exposure draft was closer to the more modern heritage systems in other jurisdictions and was a simpler, more efficient system, in keeping with community expectations.

Since the tabling of that exposure draft, the government has undertaken further exhaustive consultation in order to ensure the bill presented today was the best possible outcome. Comments received from the general public and the stakeholders, as well as government agencies, have resulted in significant changes to that draft, all of which are designed to deliver a shorter, more transparent and truly contemporary heritage system.

In addition to the public consultation, the ACT Heritage Council sought advice from Mr Peter James, chairman of the Tasmanian Heritage Council. He is a recognised expert with regard to Australia's heritage and has been intimately involved in the development

of heritage legislation in many other jurisdictions. The input of Mr James has helped ensure that the legislation today is equal to the best national practice.

The reason we are pursuing reform in this area is that the present process of registering a place or object is both extremely complex and resource intensive. It can literally take years to finalise the heritage legislation. I lay the blame firmly where it belongs—with a former minister in this house. That was me in an earlier incarnation. A most complex bill was introduced at that time. It is nice that the wheel has turned.

Mr Corbell: I'll bet the crossbenchers had something to do with it.

MR WOOD: There was a lot of meddling, I will admit. The present system requires registration to be processed by both the Heritage Council secretariat and ACTPLA and involves three stages of registration—nomination, interim and full registration. This process also includes two rounds of drafting and two rounds of formal public consultation and review, as well as the right of appeal through the AAT. It then goes through a stage of further consultation and review by the executive and by an Assembly committee prior to final tabling here.

As a result of this cumbersome and drawn out process, only 71 places have been fully registered in the ACT in the past 13 years. A cursory examination of the present backlog will reveal that there are approximately 25 historic and 250 Aboriginal interim heritage place register entries awaiting process by ACTPLA, as well as 300 historic nominations and 2,500 known Aboriginal places awaiting assessment and decision by the Heritage Council. This represents an accumulated and unacceptable backlog going back many years. The system is in desperate need of reform.

The consultation on the exposure draft endorsed this view, with widespread agreement that the ACT currently has an outdated heritage system, with uncertainty and extreme delays created by duplicative and inefficient processes. There was a strong view that it had to be fixed and that the best solution was to give the Heritage Council the decisive role in heritage registrations, with a single, as opposed to multiple, review of the council's registration decisions.

There were questions asked during the consultation process about whether heritage registration was a technical or a scientific decision, more akin to declaring an endangered species or a significant tree rather than a policy issue. Accordingly, was it necessary to have every individual registration referred by ACTPLA to the Assembly for further review, particularly as it added greatly to the length of time needed to get heritage places fully registered? There was also a strong view that, if faster processes could be achieved, the registration of Aboriginal places and objects should be incorporated in the general registration process, while continuing to respect the right of Aboriginal people to determine and safeguard information about their heritage, rather than having separate processes with unachievable statutory time limits on registering sites.

The new system proposed in this bill is far simpler, is far more transparent and is a contemporary process. The process would allow the appropriate expert body, the Heritage Council, to make the final decision after wide consultation. This would include members of the Assembly and referral to the minister for heritage. Despite this simpler process, a formal protection is built in, as all registration decisions by the Heritage

Council may be appealed to the AAT. This streamlined process will provide greater certainty for the community, property owners and developers about which places are on the register, rather than the current uncertainty caused by large backlogs and bottlenecks at a number of stages in the process.

The process for individual heritage registrations should be an application of heritage policy as opposed to the creation of policy. That is the principle applied by other jurisdictions and it will be applied here. At present, ours is the only jurisdiction that requires scrutiny of every individual registration by its parliament. The exposure draft suggested that the Assembly be the review mechanism for registrations, thus removing the right to take a decision to the AAT.

The consultation process, particularly industry and legal stakeholders, found this to be a poor process and a denial of natural justice. Accordingly, it has been changed in this final bill, with the review powers of the AAT restored and the removal of the requirement to send every registration to the Assembly.

The bill provides for more robust decision making by equalising appropriate business and community expertise. While the majority of the Heritage Council will remain weighted towards heritage experts, it will be strengthened by including representatives from the property sector and other relevant community groups.

In addition, the bill shifts the responsibility for maintaining the heritage register from ACTPLA to the Heritage Council secretariat. This reform will overcome the complex and confusing situation we are currently faced with, which requires the Heritage Council secretariat to maintain records of nominations, interim registrations and full versions of final registrations while also requiring ACTPLA to maintain data on fully registered places. The secretariat will provide ACTPLA with up-to-date information and electronic access to the register so that it continues to be readily available and can be linked to the territory plan. An added benefit of this reform is that it will allow for more effective use of the register by the public and for heritage promotion, education and tourism programs.

While this bill does remove the Assembly as the house of review, the Heritage Council will specifically notify Assembly members of the proposed registrations during the consultation process. While no longer required to review every registration, the Assembly will instead focus on reviewing heritage policy for the protection and management of registered places.

Assembly members will also be able to trigger urgent assessments of heritage places and objects likely to be affected by imminent development. The Assembly will also maintain its role in overseeing appointments to the Heritage Council and in reviewing the council's annual report, as well as expenditure on heritage policies and programs. This refocusing of the role of the Assembly will not only provide a more streamlined and effective system, but also bring the ACT into line with contemporary practice elsewhere.

Under this system, there will be no longer a necessity to produce specific requirements to accompany a registration. Rather, in the ACT the significance of the place is to be considered separately from future use and management of the place. This distinction is well recognised throughout Australia as being crucial to the proper consideration of the heritage values of a place or object. At a later time, should there be a requirement for

work or development, the issue of what can or cannot be done will be decided in accordance with the appropriate procedures.

This approach reinforces the principle that heritage registration should not be treated as a land use decision in itself, but rather it should be regarded as a specific application of the ACT government's policy to recognise and protect heritage where such intrinsic values have been publicly nominated and verified by the council.

The council will prepare heritage guidelines that are broadly based, rather than specific to a single place, giving greater certainty to residents and developers. These guidelines will be used to assess development applications. As a key part of the Assembly's role in the process, the guidelines will be tabled here as a disallowable instrument.

An integrated approach to land development is maintained in this bill, such that development applications lodged with ACTPLA will be referred to the Heritage Council for advice on heritage aspects. ACTPLA must consider the council's advice in approving development and applying conditions. The government will lead this reform by example. As part of the requirements of the new legislation, managers of government-owned assets will be required to conduct an audit to identify properties of heritage significance and take measures to conserve them in accordance with the guidelines.

In conclusion, the new legislation will greatly reform the heritage system in the ACT. It will take a cumbersome, inefficient system and replace it with a more modern, streamlined, transparent system in line with best practice. It will give greater certainty to the community and to all stakeholders. This bill is of such importance and is based on such comprehensive preparation that I am confident it will command bipartisan support from all members of the Assembly, especially since it is based on such extensive consultation. I commend the bill to the Assembly.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Mental Health (Treatment and Care) Amendment Bill 2004

Mr Corbell, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR CORBELL (Minister for Health and Minister for Planning) (12.01): I move:

> That this bill be agreed to in principle.

The Legislative Assembly passed major reforms to the Mental Health (Treatment and Care) Act 1994 and, as part of those reforms, new mental health orders were created to provide involuntary care and support for persons with mental dysfunctions. These orders are called community care orders. A new statutory position, the Care Coordinator, was created to coordinate the provision of services for persons who are subject to community care orders. The Mental Health Tribunal is able to impose an additional order, called a restriction order, whereby a person can be ordered to reside in a specified community care facility, or be ordered not to approach specified persons or specified places or to undertake specified activities.

Over the last five years it has become apparent that, while these community care orders have been of benefit to most of the people who have required this involuntary support, a small number of people with mental dysfunctions require closer supervision and support than the Mental Health (Treatment and Care) Act 1994 currently allows. Currently, the act does not allow for people who are suffering from a mental dysfunction and who are assessed to be at high risk of harm to themselves or other people, to be detained in treatment or care facilities until the risk is lessened. The amendments aim to clarify the legal requirements for community care orders and provide the Care Coordinator with the ability to coordinate the most appropriate care in the most appropriate environment.

Currently, the Mental Health Tribunal may order a person to reside in a community care facility. However there is legal opinion that the word "reside" has to be understood in its ordinary meaning and does not mean that the person is to be detained at the facility. This bill clarifies the intention. The word "reside" is no longer used and the tribunal may order that a person must live at a stated place or may order that a person be detained at a stated facility.

The amendments provide two clear pathways within the act—a pathway for psychiatric treatment orders and a pathway for community care orders. This acknowledges that the act not only is a legal document, but also is used on a daily basis by human service workers and should also be expressed clearly to facilitate understanding and utilisation of the act. The section related to the functions of the Care Coordinator has been expanded to clarify this role. This includes the requirement for the Care Coordinator to coordinate the provision of appropriate treatment, care and support, the provision of appropriately trained staff and the provision of suitable residential facilities for persons on community care orders.

The amendments clarify and strengthen the orders that the Mental Health Tribunal can make to enable persons subject to community care orders to be appropriately cared and treated for. This includes the power to detain a person in a stated community care facility and to authorise the involuntary use of medication for the amelioration of mental dysfunction as prescribed by the treating doctor. Once ordered to be detained in a community care facility, the person may be secluded or restrained if the Care Coordinator or delegate is satisfied that it is the only means in the circumstances of preventing the person from causing harm to themselves or other people.

The amendments require the Care Coordinator to inform the Community Advocate in writing within 24 hours of the involuntary administration of medication, or seclusion or restraint of a person subject to a community care order. The event and the reason will be recorded in the person's record and a register of such involuntary administration of medication, seclusion or restraint will be kept. This will provide three pathways of reporting and recording such incidents, with the Community Advocate monitoring directly these events on behalf of the government and the community more broadly.

It should be noted that the amendments to the Mental Health (Treatment and Care) Act are important for the appropriate care and support of a very small number of people with a mental dysfunction who require involuntary orders to protect their safety or that of the wider community. There were six community care orders made in 2002-03, of which three were repeat orders from 2001-02. There were also three community care restriction

orders made in 2002-03. There is one person currently on a community care order and one other person on a community care order with a restriction order.

This bill provides a comprehensive range of involuntary treatment, care and support for some of the most disadvantaged persons in our community. The alternative for these people with mental dysfunction and complex needs who may be assessed as being at high risk to themselves or the community is often the justice system.

In the longer term, I have committed ACT Health to commence a full review during the next financial year of the sections of the Mental Health (Treatment and Care) Act 1994 that are our administrative responsibility. It is five years since the recommendations of the last review were implemented in the 1999 amendments. Mental health acts require frequent review to be kept current with mental health and human rights best practice. I commend the Mental Health (Treatment and Care) Bill 2004 to the Assembly.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Pharmacy Amendment Bill 2004 (No 2)

Mr Corbell, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR CORBELL (Minister for Health and Minister for Planning) (12.08): I move:

> That this bill be agreed to in principle.

This bill has as its primary object that of facilitating the entry of friendly society pharmacies into the ACT by providing eligibility requirements for friendly societies which apply for registration under the Pharmacy Act 1931. This bill proposes to add a third category to the existing applicants that may be registered as pharmacists under the act. Currently, the act provides that natural persons and pharmacist-owned companies may be registered as pharmacists under the act. Whilst the amendment has the effect of enabling friendly societies to register as pharmacists, it also safeguards against unintended entrants by setting out criteria appropriate to friendly society pharmacies participating in the ACT pharmacy market.

In 2001, the Assembly considered an amendment to the Pharmacy Act 1931 that had the effect of requiring that the ownership of a pharmacy should be restricted to registered pharmacists and, in the case of company-owned pharmacies, the directors should also be registered pharmacists. The 2001 amendment to the Pharmacy Act received bipartisan support. The desired outcome of this amendment was to exclude unintended entrants into the pharmacy sector, such as supermarkets.

However, even during the amendment's passage through this Assembly, it was acknowledged that friendly society pharmacies would unintentionally be excluded from providing pharmacy services in the ACT. During debate on the bill, a number of speakers indicated that they would be prepared to consider future amendments to the bill in order to permit friendly society pharmacies to operate in the ACT. The 2004

amendment bill which I have tabled today gives effect to an intention that has long existed.

Friendly societies are long-established benefit organisations and friendly society pharmacies have been providing their members with pharmaceutical benefits since the 1840s. In Australia's older states, such as Victoria and New South Wales, friendly society pharmacies have long been recognised as reputable pharmacy providers. In these jurisdictions, friendly society pharmacies have been serving the community dating back to times when pharmaceutical products were not subsidised by the government. While friendly society pharmacies are no longer a major growth area, they continue to provide a viable alternative source of pharmacy service and their members benefit from cooperative buying power and reduced medicine costs.

In recent years, reviews undertaken on a national scale, such as the Wilkinson review, the Council of Australian Governments' response to the Wilkinson review, assessments by the ACCC, and investigations by Walter and Turnbull and the Allen Consulting Group, have been unanimous in their view that friendly society pharmacies provide safe, quality and competitively priced pharmacy products and services. Additionally, friendly society pharmacies have been conclusively and unanimously held not to have any competitive advantage over pharmacist-owned pharmacies.

Currently, one kind of pharmacy operates in the ACT, that is, the pharmacist-owned pharmacy. By restricting pharmacy ownership to registered pharmacists, there have been many significant benefits, such as quality assurance, safety and competent service and practice. However, the deliberate exclusion of friendly society pharmacies from participating in the ACT pharmacy sector is quite uncompetitive and unfair.

Members of the Assembly will be aware that the National Competition Council has recognised that the ACT has no existing provision that enables friendly society pharmacies to participate in the ACT market and has required that we amend our legislation in this regard. Failure to comply with the NCC's requirements will result in the territory incurring a penalty, to be taken out of the allocated competition payment for 2003-04. This penalty may become recurrent.

Whilst the ACT does not have a history of friendly society pharmacy operations, we are anticipating that through our proposal friendly societies may identify the ACT as a place where they may establish in time. There are currently 126 friendly society pharmacies operating across Australia and they are providing their members with discounted pharmaceutical services and products in a safe, competent and quality-assured manner.

The 2001 pharmacy amendment had the intention of excluding corporate entities which have little or nothing to do with pharmacy. The government remains committed to this principle. In developing this bill we have required that any friendly society seeking registration as a pharmacist should satisfy certain criteria to ensure that its only interest in establishing a pharmacy is, in fact, in the provision of pharmacy and related services. We have ensured this by requiring that companies which are deemed to be friendly societies under the Commonwealth Corporations Act 2001 must have a constitution that states that their only object is the provision of pharmacy and related business.

The two other criteria that are required are that friendly societies must be non-profit organisations and provide mutual benefits for their members. By requiring a friendly society to satisfy these criteria, the government is ensuring that a friendly society is a legitimate friendly society and, most importantly, that its only objective for seeking registration as a pharmacist under the Pharmacy Act 1931 is to provide pharmacy services to the community.

It is clear from the findings of the various reviews undertaken nationally that friendly society pharmacies are fit and proper bodies to control pharmacies and provide pharmaceutical products and services. I consider that this bill has the potential to benefit the ACT community by offering greater consumer choice and discounted prices should friendly society pharmacies establish in the ACT. The bill also maintains the safety and quality assurance of the pharmacy sector by requiring that an individual who is a registered pharmacist must be employed by the friendly society pharmacist for the purpose of dispensing pharmacy products. I commend the Pharmacy Amendment Bill 2004 (No 2) to the Assembly.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Planning and Environment—Standing Committee
Report 29

MS DUNDAS (12.15): I present the following report:

> Planning and Environment—Standing Committee—Report 29—Variation to the Territory Plan No. 224, Block 1 Section 54 Lyneham (Australian Capital Motor Inn)—Proposed residential use, dated 12 May 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MS DUNDAS: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

> That the report be noted.

This is but a brief report that considered draft variation 224 which seeks to amend the territory plan so the current site of the Australian Capital Motor Inn in Lyneham can be used as a multistorey residential development. To permit such a multistorey residential development a land use policy change is required from the current classification of entertainment, accommodation and leisure that allowed the existing Australian Capital Motor Inn to be built some 40 years ago. The draft variation refers to problems in the

ongoing viability of the Australian Capital Motor Inn and the desire of the owners of the Australian Capital Motor Inn to remove the inn, demolish the existing 54-room motor inn and erect two-storey buildings containing 57 apartments.

Whilst the committee has agreed to endorse draft variation 224, we did have some concerns. We noted that there was support for the redevelopment from the Planning and Land Council, the local community and through a planning study report; however, we believe that changing land use policies to accede to the demands of local developers does not represent sound holistic planning practice and does not indicate how such ad hoc changes are justified, merely on the basis of local issues. We have not had the opportunity, through the draft variation, to really look at how these changes would be beneficial to the ACT overall as far as long-term planning outcomes are concerned.

Reasonably comprehensive impact studies have been done and local community consultation has taken place but there is no statement as to how this change in land use will benefit the overall planning outcomes. So the committee is concerned that there does need to be more strategic consideration given to planning and land management issues, looking especially at how the impending loss of budget accommodation would impact on the territory. The Land and Planning Council has asked the government to consider ways of restoring opportunities for this form of accommodation through positive rather than regulatory planning initiatives.

The committee is prepared to endorse draft variation 224 but would like the government to put more effort into strategic considerations of changes in land use policy and to demonstrate the consistency of any future land use policy changes with the Canberra plan, the spatial plan, the sustainable transport plan, the social plan and any other strategic planning documents prepared by the government that relate to planning and land management and transport issues. I commend this report to the Assembly.

MR CORBELL (Minister for Heath and Minister for Planning) (12.19): I thank the committee for its report and for its support for this variation. I note the committee's recommendation No 2 about changes to the territory plan that are generated by specific development proposals. This is an ongoing issue which our planning system continues to struggle with from time to time: to what extent should the territory plan be immovable and to what extent should it be responsive to changes in land use activity? There is no clear-cut answer to that. I think it would be worthwhile if the committee also reflected on the fact that quite often this view can be on the other foot. For example, we have had a debate in this place about whether or not an Aldi supermarket should be permitted at the Belconnen Markets.

That is an example of the territory plan not permitting a certain use, but certain members in this place and people in the community argue that the territory plan should permit it. So it can happen both ways. It is a difficult issue to juggle and manage; however, my general view is that, as long as the proposal is consistent with the broader strategic directions of the government as outlined in its strategy documents, as outlined in the broad principles of the territory plan, then it is probably a reasonable thing to pursue.

That said, I think the committee's recommendation No 3 is reasonable. I believe it would be valuable for the committee to be advised of how a particular proposal is consistent with or fits in with the broader strategic directions that governments undertake through,

say, the spatial plan and the Canberra plan document overall. I thank the committee for its report and its support of this variation.

MS TUCKER (12.21): I will make just one comment. In reading this report I note that on page 5 it says:

> In a response to concerns expressed by the North Canberra Community Council about 'insufficient area for internal roads, lack of visitor parking, garbage disposal problems, traffic and access issues, noise generation and loss of trees' ACTPLA provided the response 'the draft variation is not the mechanism for resolving detailed design issues. These are resolved during the High Quality Sustainable Design and development application stages when the development will be assessed within the context of the Territory Plan's relevant code for multi unit development and relevant guidelines.'

I have been raising the question of internal roads and garbage disposal problems here for some time. I have asked Mr Corbell about this before. He said. "Don't you worry about that. We take all these things into account; we listen to ACT city management; we listen to Roads ACT; we listen to what ACT NOWaste says and it is all really good." Then, when I write a letter, I find that I have proof from constituents that the advice from those agencies was totally overridden by ACTPLA. I have, in fact, written questions to Mr Wood about this which I am still waiting for further detailed answers on. I think that is a serious concern. More recently we have already had the consequences of bad planning being dealt with at Amaroo. Huge community division has been created because of very poor planning processes in terms of traffic and access in that case. But we also know that there are other developments where people have bought into units and have been forced to use a private contractor for garbage collection because the design did not accommodate public waste collection. That is because the developers were not forced to take proper account of that issue. That is about Mr Wood's area being ignored by Mr Corbell's area.

MRS DUNNE (12.23): I take the point Ms Tucker raised that there is a lack of communication between the urban services part and the ACTPLA part—and the miscommunication. I would also like to reinforce the view expressed by ACTPLA, and agree wholeheartedly that the discussion of whether or not land use should be changed is not the place to have a discussion about garbage and traffic. It is quite rightly in the design DA process and we should address those issues.

Question resolved in the affirmative.

Planning and Environment—Standing Committee
Report 30

MS DUNDAS (12.24): I present the following report:

> Planning and Environment—Standing Committee—Report 30—Variation to the Territory Plan No. 223—Block 8 Section 55 Greenway (Lakeside Leisure Centre) and Block 13 Section 46 Greenway (enclosed sportsgrounds—Tuggeranong)—Public land overlay (Ph)—Sport and recreation reserve, dated 12 May 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MS DUNDAS: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

> That the report be noted.

This report considers draft variation No 223 which relates to the block 8 section 55 of Greenway, which is the Lakeside Leisure Centre; and the block 13 section 46 of Greenway, which is the enclosed sportsground in Tuggeranong, and the changing of their land use policies to include a public land overlay so they can be considered sport and recreation reserves. This draft variation arose from a request from the Conservator of Flora and Fauna when a draft plan of management for enclosed sportsgrounds and public pools was being considered. When that draft plan was being developed inconsistencies in the way the territory plan represented those public facilities were noted.

This draft variation sought to address those two concerns on two specific sites. The conservator also indicated that these variations would reflect the current usage of the sites, allow the plan of management to apply to these facilities and allow for the grounds to be managed and maintained by Canberra Urban Parks and Places, to an improved standard, in accordance with a statutory management plan. These are variations that the committee supports and we await with interest the draft plan of management being prepared by CUPP that would then be used on these sites. I commend the report to the Assembly.

Question resolved in the affirmative.

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

Drug Strategy

MR SMYTH: My question is to Minister for Health. I refer to a statement in a media release of yesterday entitled "ACT government strongly committed to strong drug strategy". I quote:

> Already the government has increased the number of subsidised places on the methadone and buprenorphine program in the ACT by 56 since December 2003.

In your response to my question on notice No 1459 you replied:

> Since December 2003, the number of methadone and buprenorphine subsidised places has been increased.

However, the 2004-05 ACT budget papers show the following under measure: "Number of registered clients on pharmacotherapy treatment programs". A footnote shows this as the number of clients accessing methadone and buprenorphine only. The 2003-04 target is shown as 800, the 2003-04 estimated outcome is shown as 800, and the 2004-05 target is shown as 800.

Why do the 2004-05 ACT budget papers not show the number of registered clients on these programs as having increased consistent with your statements that the number of subsidised clients has increased?

MR CORBELL: I thank Mr Smyth for the question. The answer is in the last part of Mr Smyth's question; that is, the difference between registered and subsidised places. The ACT government has increased the number of subsidised places available on buprenorphine and methadone replacement therapies from the 673 that were subsidised in December, to 729 now subsidised as of March this year. So the government has significantly increased the number of subsidised places. We are on track for the additional 100 subsidised places by the end of the financial year.

Mr Smyth refers to a figure of the total number of people who are registered clients, including those people who pay for their own treatment. The government has increased the number of subsidised clients from 673 in December last year to 729 in March.

MR SMYTH: Mr Speaker I have a supplementary question. Where is this shown in the budget papers?

MR CORBELL: I encourage Mr Smyth to look in detail at the budget papers. If he is unhappy with the level of information, I am happy to clarify it further in estimates. The measure used here has now been used for a number of years. It is the total number of people registered, not the number of subsidised places. That is the fault in Mr Smyth's claim.

Water bore licences

MS DUNDAS: Mr Speaker, through you, my question is to the Minister for Environment, Mr Stanhope. Minister, in November last year I raised concerns about the proliferation of new backyard water bores. You said, through the media, that the government had ceased granting new water-bore licences. Can you inform the Assembly why you said the granting of licences had ceased, when licences still continue to be granted?

MR STANHOPE: Mr Speaker, I must say that I will need to actually look at the question and the answer and clarify it. Certainly, there are still applications being made for water bores. Issues in relation to water bores are something I have taken some particular interest it. I have been concerned, in an environment of significant water restriction and in the drought circumstance that we face, that we not have citizens and

organisations in the ACT turning to groundwater as a substitute supply in light of restrictions that apply generally across the board.

I am not aware, Ms Dundas, of the circumstance in which I would have said that they had ceased. I think, in some of the groundwater catchment areas, licences have ceased being issued, on the basis of an assessment that is made from time to time by Environment ACT about the capacity of a particular groundwater reserve. In those circumstances, applications for water bore licences in those particular areas are not granted. So there are parts and parcels of the ACT in relation to which no bore licences are granted, but there are, as I understand it, still in some areas licences being granted.

I have asked for a complete overhaul of the regime, particularly the pricing regime, and the basis on which bores will be granted. I am looking for a very significant increase in licence fees; I am looking for a very significant increase in the charge for extracting groundwater.

I think there is a real equity issue in relation to groundwater, as much as there is certainly a very significant environmental and ecological issue in relation to how we tap and use or extract groundwater. I am concerned that bore licences, to the extent that they are being applied for by individuals, are more often than not by individuals with very large blocks, very large gardens and, in very many instances, very big back pockets. There is a genuine equity issue here. In terms of extraction by private citizens of groundwater, much of it is extracted by such people—and I don't begrudge them this—but I am concerned about the issue of equity in relation to the capacity of some people in the community to access groundwater in circumstances where the rest of the community is being forced and is willing to comply with water restrictions.

I will need to go back to the answer I gave, Ms Dundas, because some licences are still being granted and, if I actually suggested that they're not, then that is not true. There are parts of Canberra where licences are no longer being granted because the decision has been taken by Environment ACT that the capacity is essentially at that level. So I need to look at the answer. If I have said that no licences are being issued, then I would have to admit now that that's not fully or technically correct.

MS DUNDAS: I thank the minister for his answer. Considering that the Commissioner for the Environment believes that ACT groundwater surveys have not adequately informed us of whether existing water use is sustainable and given your own concern in relation to water bores as stated today, will the government commit to an adequate groundwater survey separate to the overhaul of the fees regime so that we can actually calculate how much groundwater is being used and whether or not the recharge rates can be reliably calculated?

MR STANHOPE: Thank you, Ms Dundas. This is an issue that I have been discussing with Environment ACT. As I indicated to you, I have taken a significant interest in the issue of groundwater, the sustainable use of groundwater and the equitable use of groundwater. You are quite right: we, as a community, have never fully investigated groundwater supplies or capacity or, as you say, issues around sustainability in relation to groundwater in the ACT.

I have had discussions with Environment ACT about their capacity to progressively, from within existing programs and resources, undertake just the survey you have suggested. I think what you suggest is very important, that we do do that survey, that we come to a much better understanding of groundwater issues in the ACT.

I make the commitment to you that it is a real priority. At this stage I'm not sure what resources are available within Environment ACT to undertake a full-scale groundwater or resource water survey as of this year or within this financial year, but I acknowledge the point you raise. It is an important issue. The survey that you ask me to commit to, I think, is vitally important, something we need to do and something certainly the government is committed to doing over time.

Drug strategy

MS MacDONALD: My question is to the Minister for Health. In light of comments made in the *Canberra Times* this week by the opposition's spokesperson on health and following on from his question today, can you advise the Assembly of the status of the Stanhope government's extensive drug and alcohol program?

MR CORBELL: In my response to Mr Smyth's question, I outlined to members the steps the government is already taking to improve access to subsidised places in the buprenorphine and methadone program; so I will not reiterate those points. The government has a range of other measures in place to improve access to drug and alcohol programs. Also, our most recent budget includes significant improvements in the range of measures to address issues associated with drug and alcohol use.

I am pleased to advise members that vending machines for needles and syringes will be established outside health centres in Belconnen, Civic, Woden and Tuggeranong this year as part of a 12-month trial. One of the issues that the government is having to address to ensure that this facility is available is an amendment to the Drugs of Dependence Act to clarify the circumstances in which needles and syringes can be made available through a vending machine and not involve a human being actually issuing them. Work is under way to ensure that we have the legislation needed to permit that trial to proceed.

Meanwhile, there is already a strong needle and syringe program in place. Members will be familiar with the fact that needles and syringes are provided free of charge during the day from many of our community health centres and are able to be purchased for $2 from 28 of the local pharmacies.

There is also the issue of progressing a range of other measures. For example, I have raised in this place and in national forums earlier the establishment of a hydromorphone trial in the ACT. Work is continuing on the development of the parameters for such a trial in the ACT and assessing its viability if we can go it alone. In addition, the government continues to fund a range of other measures.

I am pleased to say that this year's budget has allocated $562,000 over four years to a school education alcohol and drug program. That is a very significant investment in

support for providing information to young people in our schools about the risks associated with dangerous behaviour around drugs and alcohol.

Additionally, we will see that early intervention through school-based programs as an opportunity to use peer mentoring to teach young people about the risk factors and the potential to develop certain health conditions through inappropriate drug and alcohol use. Ten primary schools and 10 secondary schools will be targeted as part of that program. We will be capturing a large number of children and young people. It will also involve 50 teachers a year in professional development, giving the teachers the support they need also to deliver efficient and effective drug and alcohol education in schools.

The government does have a range of measures. I have simply sought to identify a number of them. The government is progressing a comprehensive program that is focused on harm minimisation as well as education.

MS MacDONALD: I have a supplementary question. I thank the minister for that information. Minister, can you advise the Assembly of what further initiatives specifically related to tobacco and Aboriginal health issues the government is undertaking to tackle drug issues?

MR SPEAKER: I do not think that that is related to the first question. That question was about drug and alcohol matters and you have strayed onto tobacco and Aboriginal health matters.

MS MacDONALD: Tobacco is a drug.

MR SPEAKER: It is, but the indigenous affairs matter is not related to the earlier matter.

Mr Corbell: On the point of order, Mr Speaker—

MR SPEAKER: It is not a point of order; it is a ruling.

Mr Corbell: Sorry, on your ruling, Mr Speaker: Ms MacDonald, as I understand it, has asked me a question about what other initiatives are being undertaken as they affect drug and alcohol programs for indigenous people and in the area of tobacco.

MR SPEAKER: I did not hear it in that way, but if you are prepared to take it in that way you can. I did not hear it in that way.

Mrs Dunne: On the ruling, Mr Speaker: this is something that government backbenchers do on a regular basis. Their supplementary questions are entirely out of order because they do not know how to draft them. Your ruling needs to be upheld, Mr Speaker, because—

MR SPEAKER: Order! That is not a point of order, Mrs Dunne. Resume your seat. Mrs MacDonald, if you rephrase your question and tie it into the drug and alcohol issue, I think that that will be okay.

MS MacDONALD: Mr Speaker, I would be happy to rephrase the question to relate it to the initial question. My question to the minister is: what initiatives is the government undertaking in relation to tobacco education and education on drug use for the indigenous community?

MR CORBELL: There is, of course, a range of other programs which the government has put in place. I am very pleased in particular to highlight to members that $642,000 will be provided over four years to target the illegal supply of tobacco to minors. I would have thought that all members of this place would be interested in that issue. In fact, I know that some members of the opposition and some members of the crossbench have criticised the government for not adequately addressing this issue.

I have checked the steps the government has taken in the past in relation to addressing the illegal sale of tobacco to minors. The real problem is that it is very difficult to prove. Unless you are there at the time of the sale, it is very difficult to prove that someone has illegally sold tobacco to a minor.

Mr Smyth interjecting—

MR CORBELL: I know that Mr Smyth does not like it because the government is listening to, responding and addressing these issues, but this program allows the government to effectively test whether retailers are abiding by the law. It involves asking young people through an appropriate legislative framework to seek to purchase tobacco and see whether the retailer abides by the law. Clearly there are concerns in the community. There is a common concern right across the country that some retailers do sell tobacco to minors. That is something that the government does not endorse in any way. We want to catch out the people who do that. This money will allow us to do that.

The funding will cover set-up costs, such as equipment and legal training. Two extra staff will be engaged within the health protection service in relation to the program so that we can catch out the retailers that do the wrong thing. I think that that is a very positive public health measure.

In addition, Ms MacDonald asked me about drug support for the indigenous community. I am very pleased to advised that the Gugan Gulway Youth Aboriginal Corporation and the Winnunga Nimmityjah Aboriginal Health Service will receive funding for two dual diagnosis workers—another election commitment fulfilled by the government—to allow those organisations to provide the support that is needed to people with complex dual diagnosis needs.

In addition, just under half a million dollars will be provided as further support for the case management of clients using pharmacotherapy treatments who have complex needs. The government has a comprehensive program for the next four years, with an increase in funding of over $1.5 million over that time, to improve access to services and support for indigenous people, for young people, for schoolchildren and for teachers as well as drug users themselves so that we can continue to reduce harm in our community and we can continue to educate people in our community about the risks associated with illicit drug and alcohol use.

Bushfires—coronial inquiry

MR PRATT: Mr Speaker, my question is to the Chief Minister, Mr Stanhope. Yesterday, Commander Mandy Newton gave evidence in the Coroners Court. She was asked about a note in her notebook saying "12.30 pm Chief Minister Tim Keady" for 18 January 2003. Unlike senior officials in the ACT government and ministers like you, AFP officers keep copious notes. This is a guard against the collective amnesia that seems to have struck the ACT government at all levels in the Coroners Court.

When asked about the note, Commander Newton said, "From my recollection, I think that meant at 12.30 pm the Chief Minister and Tim Keady were going to be at (the) ESB". In his second appearance at the Coroners Court, Mr Keady agreed that he would not have called you about a trivial matter and, while having no specific recollection of the call, he testified that he probably passed on important information about the bushfires. The most credible explanation of these facts is that you agreed to meet with Mr Keady at 12.30 at the ESB in your previously forgotten conversation that is the subject of collective amnesia, and the 12.40 pm phone call from Mr Keady was probably asking when you would be arriving at the ESB.

What did you say to Mr Keady—

Mr Quinlan: Well, you answer the question then. You know it all—you answer it.

MR PRATT: No, the Chief Minister can answer this. What did you say to Mr Keady and what did he tell you in the phone call at 12.40 pm on 18 January? Do you stand by your numerous statements in this place that you drove out to the ESB of your own volition?

MR STANHOPE: I thank Mr Pratt for the question. Actually, I do everything of my own volition, Mr Pratt. Everything I do is of my own volition. So the answer to your question is yes, I drove to the Emergency Services Bureau of my own volition. I do everything of my own volition.

One thing that I can say—and I have answered this question previously and I stand by the answer that I have given—is that I drove to the Emergency Services Bureau on Saturday, 18 January. I did receive a call from Mr Tim Keady at 12.40. I do remember the call. I remember Mr Keady suggesting to me that it would be appropriate—I cannot remember the exact words but I remember very much the tone and nature of the conversation which essentially was that it would be appropriate—if I were to attend the Emergency Services Bureau, that there were important issues that would benefit from my presence. I have said that. That is my very clear recollection of that telephone conservation. I understand from evidence given by Mr Keady in the inquest that that essentially matches his recollection.

As to notes in Commander Newton's notebook of the day, I can give no explanation and I am not even going to essentially suggest what the inclusion of the words "Chief Minister Tim Keady 12.30" reflect. I was not at the Emergency Services Bureau that morning. I was not privy to any conversations that may have concerned references to me

or been about me or had any reference to the desirability or otherwise of my attending the Emergency Services Bureau.

From this distance it is probably possible to develop a whole range of constructions about who said what, what they said and meant; and whether or not instructions were given or whether or not understandings were conveyed. I simply have no way of even divining the basis on which the words "Chief Minister Tim Keady" appeared in Commander Newton's notebook. It is simply just not possible for me to even speculate.

What I can do is repeat what I have previously said. I drove to the Emergency Services Bureau of my own volition. I do everything of my own volition. At 12.40, while I was in Curtin, I received a telephone call from Mr Tim Keady. He did in that call indicate to me that he felt it appropriate that I then attend the Emergency Services Bureau. I can assure you that he did not say, "Chief Minister, you are late for a meeting" or "Chief Minister, where are you? I was expecting you." What Mr Keady said was to advise me that he felt it appropriate that I attend.

But as for other issues, for me to speculate would be idle and dangerous. I cannot do that. Perhaps others can but I certainly cannot. I think, really, to do justice to Commander Newton, as I understand her evidence—and I have not looked at it closely—she did indicate that she was not entirely sure what it meant. She uses words to that effect—I cannot remember but I read it in the *Canberra Times* this morning. But she said she recollects that this is what it may have been about. I think others may have other recollections. I do not know. I was not there. I do not know what people were saying.

It is not possible for me to speculate on whether there was a discussion and somebody said it would be appropriate perhaps for the Chief Minister to actually be invited to attend Emergency Services Bureau at 12.30. The reference could be to that—the suggestion that at 12.30 or thereabouts Mr Keady ring me and ask me to come to the Emergency Services Bureau. In fact, he rang me at 12.40. It may be that there was some discussion amongst officials in which one said to the other, "Look, why don't we seek to have the Chief Minister attend here at 12.30." I do not know. I am just positing another possible explanation. But who knows. In a way there is just nothing to gained by me putting up a range of possibilities because anyone here could stand up and present another possibility. It is something that is simply beyond my knowledge and my ken.

I drove to the Emergency Services Bureau of my own volition. As I say, I do everything of my own volition. I choose what I do—nobody else chooses or decides for me. And at 12.40 Mr Keady rang me up.

MR SPEAKER: Order! The minister's time has expired.

MR PRATT: Mr Speaker, I ask a supplementary question. Chief Minister, why do you persist with this cock-and-bull story that the community just does not believe and which is inconsistent with the known facts of the matter?

MR STANHOPE: There are a range of issues in relation to these matters that continue to confuse me, Mr Speaker. One thing I am sure of, and that is that at no time was it ever suggested to me that I meet on the top of Red Hill.

MR SPEAKER: Order, Chief Minister! Mr Pratt, I would order you to withdraw the imputation in your supplementary question where you mentioned "cock-and-bull story".

MR STANHOPE: Well, it is consistent with all the lies that were told yesterday.

MR SPEAKER: Order!

Mr Pratt: I withdraw that imputation. I replace it with "unbelievable".

MR SPEAKER: Thank you. Resume your seat.

MR STANHOPE: As I was saying, Mr Speaker, I am certain that I can say—and I say with absolute conviction—that at no stage was I invited to a meeting on the top of Red Hill. The suggestion that I at any time attended meetings on the top of Red Hill with officials is absolutely a blatant lie, a clear lie, a fabrication, a lie that was manufactured by the Liberal Party and actually was paraded by the Liberal Party, designed simply—

Mr Smyth: On a point of order, Mr Speaker. The word "lie" has been put forward several times. If it is a lie, then prove it. He must withdraw.

MR SPEAKER: I think the collective reference is an imputation against the members; so I would ask you to withdraw.

MR STANHOPE: I withdraw that, Mr Speaker. I just make the point: yesterday I was subjected to a litany of the most outrageous lies that you can imagine, through the media and—

Mr Smyth: Point of order, Mr Speaker. If they are lies, let him prove it. Otherwise, he must withdraw.

MR SPEAKER: Mr Smyth, I want to hear what the Chief Minister says before I order him to withdraw. I think he just mentioned a litany of lies.

Mrs Burke: It can only come from here.

MR STANHOPE: That wasn't it at all. I did not suggest that at all. What I said was that yesterday I faced a litany of lies about my apparent attendance or appearance on the top of Red Hill.

MR SPEAKER: Order! The time being 3 o'clock—

Mrs Burke: From the community.

MR STANHOPE: They were lies—absolute and total.

MR SPEAKER: Order! Resume you seat, please.

Mrs Burke: You are calling the community liars now.

MR STANHOPE: Yes.

At 3.00 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2004-2005

Debate resumed from 4 May 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (3.02): It is my pleasure to present the Smyth Liberal opposition's response to the 2004-05 budget. This budget is a budget of missed opportunity, and it's not just me who says that, Mr Speaker. The *Canberra Times*, in an excellent editorial entitled "Budget misses opportunity" said that the ACT budget is:

> …probably a bit of a disappointment for anyone hoping for some leadership, inspiration, or a public dividend from an economy essentially in good shape.

Mr Speaker, I couldn't agree more. Once you pick off the cherries and the other brightly coloured bits, once you get rid of the distractions of the so-called initiatives, you will see a budget that has squandered the opportunity to secure Canberra's future, to show leadership.

Indeed, when we look closely at this budget I think you will discover, as I did, that this is easily the most profligate budget in the territory's history. How else, Mr Speaker, can we describe the colossal overspends by this government in a mere three years?

We have gone from an aggregate $230 million surplus over the four years from 2002-03 to 2005-06 to an aggregate surplus of only $43 million over the four years from the 2004-05 to 2007-08 financial years. Where is the public dividend that should have been accumulated by this? Where have the funds generated from the boost to revenue gone? Mr Speaker, they have been frittered away, frittered away on short-term expedient spending that will do little to position the ACT to ride out the less prosperous times that will come.

Certainly there are some good elements to the budget. There is additional spending that has been targeted to areas of particular need. There have not been any new taxes or charges proposed—perhaps a little gun shy from last year—and there has been a firm commitment to build a prison in the ACT.

Behind the hoopla, however, you will see that since coming to government Labor's spending has grown from $2.2 billion to $2.6 billion. Labor's budget has grown by $400 million or nearly 20 per cent. Last year I pointed out that the budget at that time had blown out from $2.2 billion to $2.4 billion and, continuing this trend, this year the government's forecast spending of $2.4 billion has in fact reached $2.6 billion spent.

The Treasurer is fond of pointing out that the budget is really about estimates. He often dismisses concerns about the accuracies of the papers he publishes with the line: "Well,

you have to remember they're only estimates." But, in reality, that is only code for: "I can't control my colleagues' spending. I estimate a figure but the other ministers take no notice, so please don't blame me." However, you really have to question the ability of a treasurer who has got his expenditure wrong by an average of $180 million every year. That is significantly more than an estimating error. And remember he always prides himself on being an accountant.

So, what have we got for this spending binge? What has Canberra received for the latest $200 million blow-out? Hospital waiting lists are at record levels. Waiting times are now so dire that nearly half of all patients on the list are overdue. Crime rates are increasing, particularly property crime. Indeed anyone who has looked at London Circuit recently would bear witness to an explosion in graffiti vandalism. More disturbingly are the increases in the crimes reported against persons.

Even the little things have blown out. The average waiting time at an ACT Government Shopfront has grown from seven minutes to 12 minutes under this government. That's customer service!

Again and again we find that the core business of government is being neglected. We get the occasional bauble here, a trinket there, but fundamental services are being reduced. They are stagnating or they are failing to keep up with growth.

Looking at the broader economic picture: I believe that this budget, despite the claims of the Treasurer, is unsustainable. The government has not done anything to diversify our revenue base. It has not done anything to drought-proof the economy against future downturn. When the times are good, any prudent manager puts aside a reserve to take you through the tougher times. But this government is not a good manager. Labor has not prepared for the inevitable economic drought.

If I may use a traditional image, Mr Speaker: this government has not put hay in the shed. Labor has not stored grain in the silo and Labor has not constructed a new dam. Labor has not put cash from the good years into the economic farm management deposits or any other reserve. The Treasurer is like the biblical foolish man. Labor has done nothing to secure our future.

I find it inconceivable that we can go from a surplus of $93 million this financial year to a planned deficit of $26 million in the 2005-06 year and have nothing to show for it. But it's worse than that. There are nastier things than the deficit. If we look at the assumptions behind this budget, we see employment growth static, state final demand halved and then static, and predicted investment static. These should send clear warning bells to a prudent government or a prudent treasurer. The only louder messages these figures could send would be if they were in big, red letters that said, "Big correction coming," but the Treasurer and his government ignore the inevitable.

The budget papers do have a little rider in them. The budget papers actually do get close to issuing this warning. If members and the population of Canberra look at page 96 of budget paper 3, it states:

> The estimated outcome continues to remain flat in 2005-06 as expenditure growth outstrips revenue growth, improving in the 2006-07 forward year, as revenue growth

> driven by taxes, fees and fines, grants and other own source revenue exceeds expenditure growth.

Note the grave warning: "expenditure outstrips revenue". Then it hints—no, suggests—that the government will be baled out by increases in taxes, fees and fines. And this is the classic response of a Labor government: looking to increase taxes, fees and charges. This is the Labor Party doing what it does best: spend more, tax more.

Does Labor really believe that it can continually increase taxes to pay for its spending spree? Does Labor seriously believe that it can increase the tax burden forever and that people will respond by working harder? Those of you who are familiar with New South Wales politics might find that this is sounding a little familiar. The New South Wales government before the last election also budgeted for a modest surplus and then a deficit. And sure enough, after the election, taxes and fees were hiked up. This is the Labor way, Mr Speaker.

There are no revenue initiatives in this budget. But I am willing to wager with the Treasurer that should a Labor government be returned later this year we will be treated to a high-taxing mini-budget within a few months of the election. The horror of another four years of Labor would be followed by the horror of new and higher taxes. Will the government now give a commitment that there will be no new taxes or tax hikes if they are re-elected later this year? I look forward to that promise in high expectation.

The major concerns, the fatal flaws, apparent with this budget are:, unsustainable spending continuing to run ahead of revenue; the dramatic run-down in cash reserves over the outyears; and not making difficult decisions about the financial management of its trading enterprises such as Actew.

What is the government's response to this emergent situation? If the scenario I have postulated is correct and these budgetary decisions are made, the territory is heading right back into a situation of another $344 million operating loss under a Labor government. It simply confirms the well-established adage "Labor can't manage money".

This Treasurer has badgered anyone who would listen, and many who try hard not to, with the idea that because he was once an accountant he is therefore infallible as a treasurer. Last year, members will recall, I put paid to that idea when I demolished some of his more foolish assumptions in last year's budget. Unfortunately, both for Mr Quinlan and the long-suffering ACT ratepayer, in this latest budget he has done it again. We have been treated to the Treasurer's economic ignorance.

Last year I explained to the Treasurer in very simple terms why he had been so silly in referring to what he calls the economic cycle. Those who know about these things know that what he probably meant to say was the election cycle. Once again in this year's budget he has referred to the economic cycle, without any explanation, qualification or insight into what he means. He says:

> What is important is that a surplus is delivered over the economic cycle.

I won't bore members, who, unlike the Treasurer, got it the first time, with the reasons as to why this usage is so incorrect. However, if the Treasurer is interested, he can go to page 1724 of last year's *Hansard* where it is explained fully.

To further compound his error: I think it's fair to say that I don't believe the Treasurer understands the significance of budgeting for a deficit. In his budget for 2003-04 the Treasurer budgeted for a deficit of $8 million in the general government sector. He was mistaken by a mere $100 million—luckily, in the positive—but that is not the point I wish to make.

A deficit of itself is not especially unusual. What is unusual in the situation is the context in which this deficit was proposed. Why do governments budget for deficits? The answer is very simple. Governments budget for deficits when economic activity has been slowing down and activity is predicted to remain slow, perhaps even depressed. Governments should use deficits when economic circumstances dictate that this is the appropriate policy response; for example, the great depression in the 1930s or the Labor Party's recession we had to have of the late 1980s. Deficits are used to provide a stimulus to an economy that is otherwise not performing strongly.

This is a very simple proposition, and one that I would have thought the Treasurer would have readily understood. It is amazing that this Treasurer budgeted for a deficit when the ACT's economy was continuing to perform strongly, gross state product has been increasing by more than 3 per cent a year recently, and the growth in revenues, particularly those revenues derived from property transactions, has resulted in a substantial and continuing boost to the ACT government coffers.

Rather than budget for a deficit in 2003-04 the Treasurer should have budgeted for a surplus. Budgeting for a deficit at a time of economic prosperity sends all the wrong signals to financial markets and businesses and to the community.

Fortunately the Treasurer's prediction of a deficit for 2003-04 was treated with the derision it deserved. It was a nonsense when he announced it at budget time, and it proved to be a nonsense when further financial information was released soon after the budget. As the latest budget papers show, we still recorded a surplus of $93 million in 2003-04, even after the additional spend of $60 million in the third approp.

Why the Treasurer and his government sent a very specific and incorrect message about the economic condition of the ACT in last year's budget is anyone's guess. I wonder if he was really listening to Stephen Kates's comment at the budget breakfast at the National Museum the other day about the power of surpluses when things are going well?

Despite this history, the Treasurer is at it again in this year's budget and he's budgeting for a deficit of $26 million in the 2005-06 financial year. Yes, $26 million. Why? Because Labor wants to continue spending to the limit. Mr Speaker, this is simply not a sustainable strategy.

At the same time questions have to be asked about the government's strategy in various wage negotiations that are currently under way. The way these negotiations are

proceeding suggests to me that the government is attempting to delay the need to make any payments for wage increases until next financial year.

Likewise, we have the shifting of Actew's dividend from this year to next year. To the outside observer this strategy appears to be simply seeking to shift revenue and spending from one year to the next, with the result that the budget outcomes for each year are affected in a most artificial way. A most unfortunate consequence of this strategy is the adverse impact that it will have on the public servants concerned—public servants who are hard working and who deserve appropriate recompense at the appropriate time.

Of course, the Treasurer's credibility has been shot to pieces when it comes to budget estimates. Given his track record, the figures in this budget are simply not believable; so no-one should take this budget too seriously. The outcome, we all know, will be very different from the figures contained in this budget.

The blow-out in expenditures, for example, shows a consistent pattern of the inability of the government to control its spending. In 2001-02, the first year of this government, the expenditure blow-out was $166 million. In 2003-03 the blow-out was $183 million, and in 2003-04 the blow-out is expected to be $196 million, if you can believe it. That's an average $180 million error, and it's getting worse.

These figures demonstrate either that the government had no intention of sticking to its budget or that it is hopelessly incapable of managing its finances—perhaps both. And perhaps the Treasurer is an accountant, although I would point out, so was Arthur Andersen. Whatever the explanation, the figures clearly carry the message that the Treasurer's budget cannot be believed. So when he says that expenditure in this budget will be $2.6 billion, if he's true to form it will be nearer to $2.8 billion, that is, some $200 million greater than the budget figure.

The Treasurer has got away with this so far, Mr Speaker. He has got away with overspending $180 million each year because huge windfall revenues have baled him out. This approach is unsustainable, and even the Treasurer admits that on page 96 of BP3, and I quote:

> The estimated outcome continues to remain flat in 2005-06 as expenditure outstrips revenue growth—

But even worse is the lost opportunity that this government had to strengthen the ACT as it faces the inevitable slowdown from recent levels of strong economic activity. With a government that is unable to control its spending, the community has every reason to be very concerned that what will happen as the windfall revenue bonanza that we have experienced over the last three years dries up. That is why this situation is not sustainable.

This Labor government simply cannot continue to increase spending as it has done over the past three years. At the same time, caution will be required with respect to some of the key assumptions that underlie this budget.

In the federal budget that was brought down earlier this week the Commonwealth government suggested the outlook for inflation and interest rates during 2004-05 should

be relatively benign. There have been some developments in the very recent past, however, that could create some pressure on those important economic variables. Over the last week the value of the Australian dollar has fallen to levels not seen since late in 2003, and oil prices have risen suddenly to their highest levels in more than 10 years. Each of these factors is acknowledged in the federal budget as potentially having a material effect on economic forecasts such as on estimates for prices.

Globally, Australia's major trading partners, and in particular the US, are all experiencing greater demand and moving into a more inflationary phase. The global economy is recovering, although the federal budget states that continued excess capacity around the world should restrain inflationary expectations.

Nevertheless, there is strong expectation that interest rates around the world will rise from the historic lows that they have been at, and this trend will have significant impact on developed and developing economies. Through all this, the Reserve Bank of Australia has again signalled its concern about the risk of inflation, which is code for saying that interest rates are likely to go up.

We know why the Reserve Bank will consider raising interest rates. It will be to suppress high levels of demand. With spending by households, currently running at 127 per cent of incomes, clearly the party cannot last; something has to give. We can only hope that there will be a gentle easing back or a so-called soft landing rather than a crash, but we would still have to be prepared for an adjustment of some kind.

This has direct and immediate implications for the ACT budget, although the Treasurer seems quite oblivious to it. Budget paper 3, written, as we know, by worried Treasury officials, discusses that risk on page 15, but the Treasurer does nothing about it. He seems to think it's not real. He just keeps on spending.

The statement of sensitivity of budget estimates on BP3 page 13 points out some interesting coefficients but says nothing about the government's policy response. The government seems incapable of reading the signs and incapable of controlling its big spending instincts. What I would like to know and what the community would be most interested in—and I'm sure the Treasurer's wrap-up speech will answer—is: what contingencies does the government have in place in the event that some of its assumptions about the economy turn sour? How will the sensitivity analysis in this budget be used as the basis for action? What will the Treasurer do if demand for property falls and prices come down? What does a turnaround in the property market mean for revenue and the bottom line? And the really big question is: where will the cuts be and by how much, or will the Treasurer keep up the spending spree as though nothing has changed? We are looking forward to another $344 million operating loss.

The key point of budgets is to spell out the government's priorities, to formalise how the government is going to implement its programs and to allocate resources, including taxpayers' funds, to achieve the outcome it has promised. The Stanhope Labor government has come to office promising much but it has failed to deliver. The people of Canberra understandably feel left out; many feel disappointed; and many feel deceived.

As one citizen complained recently, public trees are in danger of falling over from lack of maintenance; cycle-ways and recreation paths are dangerous because of the uneven

surfaces; gutters are rarely swept; nature strips are no longer mown; road potholes are infrequently patched; government land is sold at prices that cannot be afforded by many of our children. This person went on to say that, instead of issuing so many policies and plans that will never be implemented, Mr Stanhope and his government should employ public servants who do things rather than write papers as the smokescreen for real activity. That was in a letter in the *Canberra Times* on 26 April this year, Mr Speaker.

It is in the failure of this government to carry out its stated intentions that we see the collapse of its commitment to the local indigenous community, and even Labor Party members have given up on this government to actually do anything useful. For example, Labor's own Fred Leftwich has now given up on the Chief Minister to get anything done. He is so frustrated that he has decided to leave the Labor Party, saying that the Chief Minister has forgotten and ignored Canberra's indigenous community, as reported in the *Canberra Times*.

But let's turn to some of the specifics in this budget and where it does not deliver. Health is one area. On the face of it, the budget does not look too bad. Spending increases by about 9 per cent, which is a reasonable amount. As I noted a few minutes ago, however, despite the increases in funding, hospital waiting lists are at record levels and waiting targets are not being met.

However, two of the most significant problems in the health area today that need to be tackled are mental health and aged care. In mental health we've a couple of useful initiatives but nowhere near the commitment that is required to address the mental health needs of the community. The budget goes nowhere near the commitment that the Canberra Liberals have made in mental health.

If we turn to aged care, we also see a couple of titbits thrown the sector's way but, again, the government misses the main game. Since Labor was elected, there has not been a single publicly funded aged-care bed built in the ACT. There have been over 250 beds funded by the Commonwealth and, from Tuesday's budget, there are another 500 beds on the way. There are many groups who are willing to build facilities, and yet nothing has happened.

In 2001, as planning minister, I gave in-principle approval for Calvary Health Care to construct an aged-care facility across the road from its hospital campus. Almost exactly three years later, nothing has happened. No sod has been turned, and Calvary has had to seek a special dispensation from the Commonwealth not to have their beds taken away from them. And it is not about the money. There is plenty of money floating around. It is about management. The Stanhope government has monumentally stuffed Canberra's planning system. What do we get from it? Delay, delay, delay.

Mental health has been another disaster area for the Stanhope government. A combination of poor leadership and an absence of leadership on the part of ministers has resulted in poor advice coming to the government. Ms MacDonald is now sitting in the Treasurer's chair. She may actually be there after the next election. The government is out of touch because it has failed to lead, failed to ask the right questions, failed to monitor and failed to take on the job of making it work.

I have been pointing out for some years the crisis in mental health, and the government is yet to wake up and actually do something practical about it. The government has known for a long time that people with mental illness are being kept in the criminal justice system. The government has known for a long time, or at least it has been told, that people with mental health problems had to be remanded in custody because there was no other option for them. Magistrates hated doing it, but what else could they do? The need for a secure facility for people with mental illness on remand or committal was blindingly obvious, but the government just did not get it.

Eventually, after unremitting pressure, the government was reluctantly forced to take an interest. So it did the only thing it knows and called for an inquiry. And hey presto, an interdepartmental working party identified problems, which the rest of the community had known about, and recommended changes in the services for those affected people.

So what has the government's response to those recommendations been? You would not believe it, Mr Speaker: they will fund a feasibility study of the various options for high-security care for forensic mental health clients in the ACT. It's hardly surprising that community groups are highly frustrated, and one of those groups, the Canberra Schizophrenia Fellowship, has called the delay another strategic plan fiasco. What have we got? As Mr Rod Quinn so succinctly observed recently on the ABC, the only new jobs the government has established are in the Legislative Assembly, right in the halls of the government.

If we look at community safety, the big-ticket item is more police. If you look at it in the budget context, the funding for 10 new sworn officers in 2004-05 needs to be put into context. It is a shame that Mr Hargreaves is not here. According to the Australian Federal Police Association, the national average of sworn officers per 100,00 head of population is 218. The ACT figure is 181. To increase the ACT situation to the national average would take—wait for it, Mr Speaker—an additional 121 sworn officers. And I am sure you don't forget that Mr Hargreaves promised that a Labor government would meet that national average. What has this government done or achieved in community safety? Nothing. But the price keeps going up. Again, we are spending more and getting less.

In housing we see very little happening. While the continuation of the Canberra emergency accommodation service is welcome, it is not really an initiative. I also note, an injection of $5 million to support social housing. But as members would be aware, way back in 2002, Treasury offered Housing $10 million from the Treasurer's Advance for social housing. Somewhere along the lines these funds were rebadged as being for fire safety, and we have never received a satisfactory answer as to how or why this change occurred. Moreover, in spite of the professed urgency more than two years ago, only $3 million—yes, only $3 million—of that $10 million has been spent thus far. So the government could go back to its original commitment and still have $3 million left for its alleged fire safety program. Again, nothing but delay, delay, delay.

In education we see a 5 per cent increase in total departmental spending, but with 910 fewer education spaces than last year. Indeed, we see that in one particular instance the government's policy of paying more and getting less is reaching its logical conclusion. On page 339 of budget paper 4, we see declining enrolments in government schools providing an extra $2.263 million to the bottom line.

Hopefully, sooner or later someone—and I suspect it will probably be a Smyth Liberal government—will take the decline in government high-school enrolments seriously. When we see 46.5 per cent of our students in the non-government sector in the high-school years, I think it is another instance of spending more and getting less.

There are many other areas such as disability and children and family services—and, indeed, with indigenous people, as I have already pointed out—where the government has failed, where they have spent more and got less.

But, Mr Speaker, in the arts, I am pleased to note that again, a mere three years after the announcement was originally made, this government will finally commence the glassworks project and finally build the Link project, both of which were initiated by the previous Liberal government. Otherwise, the cupboard is bare in the arts, and I really think that an opportunity has been missed with regard to creating an arts precinct in the ACT.

If we look at sport and recreation—these are a major focus of the appropriation we will discuss later today—again, there is not a great deal in the budget for them. What really pleases me—and it is a shame that the minister is not here—is that, with immense pleasure, I can announce that for the very first time in the life of the Stanhope government there is—gasp—a women's initiative. There is $100,000 for a women's grants program. At last the minister remembered to put a bid in for women in this budget. Who is to say that the Labor Party's a boys club still?

When we got to the end of the Treasurer's speech, whoops, it was almost like the Treasurer had forgotten to mention the environment and just slipped it in at the last minute. There it is, tucked away at the end of his speech after he'd dealt with the capital works and revenue. What does this indicate about the priority he and his government attach to this important matter? Whatever happened to triple bottom-line accounting?

In the period since the January 2003 bushfire disaster, the security and quality of the ACT's water supply has been a prominent issue. Actew is now building two new water treatment plants at Stromlo and Googong, essentially to ensure that the appropriate volume of treated water can be supplied to the community in the future.

This budget contains a most interesting decision, however, that affects Actew and the funding of these plants. The government has agreed that Actew does not have to pay a dividend in the 2003-04 year, the current year, because it is claimed that Actew needs these funds to assist with the financing of new water treatment plants at Stromlo and Googong. I find this decision quite extraordinary. The community is being denied funds presumably so that Actew does not have to borrow funds to finance these capital works. If Actew is investing in infrastructure that will be utilised by the community over the next 20, 40, even 50 years, the cost of this infrastructure could reasonably be shared across the community over an equivalent period. The cost of these major capital works should not be imposed solely on consumers in the financial years of 2003-04 and 2004-05.

The decision shows, I believe, that the Treasurer has no grasp of the principles of financing public sector infrastructure. Mr Speaker, I would encourage the government to

rethink this decision in the interest of all people in the ACT, both current and future residents.

In tourism, it is a bit of the old three-card trick. Again, on face value, it looks good—an extra $7 million per year on tourism promotion. It's a few million short of the Liberals' commitment, that is, to increase tourism funding by $12 million. I guess, from the Treasurer, it's not a bad start. However, the government neglects to mention that last year's budget cut tourism funding in the outyears to the tune of $4 million. This $7 million increase is really only a $3 million increase on the previous year.

When we look at business itself, we see that the Treasurer's claim that the budget funds commitments from the million dollar white paper but, as the white paper contained few initiatives, the budget itself contains little for business. Again, there are sprinkles here and there but I suspect that, on closer examination, things will evaporate.

It is not enough for me to stand here and speak disparagingly about the Treasurer and his budget, although what we have said is true. This is despite the fact that this government is the government of lost opportunities where the government has squandered an aggregate surplus of $230 million over four years down to a meagre aggregate surplus of $43 million over four years. We have lost the opportunity to fund effective restructuring and strengthening of the ACT economy.

So, Mr Speaker, particularly in an election year, I want to set out what our approach would be. So what would I do? What would a Smyth Liberal government do? For a start, as I announced last year, our vision is for a creative Canberra. We don't have the industrial base of other jurisdictions; we are rapidly running out of land for revenue; and we cannot rely on the Commonwealth for future growth, particularly if a public-service-slashing Mark Latham federal government is elected later this year. We have to diversify our economy; we have to build on our smarts, on our creativity. Creative industries are the way forward around the world; they are the way forward for the ACT.

The key point of the Canberra Liberals' approach is fostering and developing creative industries—industries such as film, research and development, publishing, software, TV and radio, design, music, and toys and games. They've conned the ACT again on building these and other industries through diversification, through employment growth and through developing a much stronger economic base. As a community, as an economy, we benefit from achieving diversification of our industrial base. Hence the emphasis we are giving through our creative Canberra initiative to fostering and encouraging development and diversification.

The government has blown some $600 million in its term. What have we got in return? Nothing.

A Smyth Liberal government would invest such funds for the future. A simple increase of tourism funding of $12 million would produce, on modelling provided by the University of Canberra, a return of up to $75 million—a good investment.

A Smyth Liberal government would provide support and development to the identified creative industries. Each of these industries requires only a few hundred thousand dollars

investment from the government, if anything at all, but will bring huge returns in growth, in employment, in fees and charges, in GST returns paid to the territory coffers.

The GST has fundamentally changed the way we should view government revenue. Ultimately the more economic activity there is in the ACT, the more GST revenue will find its way back here. In addition, we would also expect that the growth of these new industries will bring new people to our territory—people whose experience and expertise will provide a deeper and richer cultural context for the community in which we live.

Already I have released development plans for tourism, for motor sports, for the convention industry, for interactive entertainment, for defence support. There are more industry development plans to come. These development plans complement our policies. We have released some 16 policies thus far dealing with mental health, water, security, policing, community safety and education, among other areas. And there are more policies to come.

It is pertinent to focus on water for a moment. We believe it is imperative to secure the adequate and high-quality supply of water for the people of the ACT. To achieve this we would immediately start on the construction of a dam in the Naas Valley. On the basis of information provided from Actew, this option would cost less than piping water from Tantangara and, more importantly, we would be using our own water on our own terms and not be subject to the whims of New South Wales or other governments. Importantly, this project could be funded over the life of the dam without affecting the current budget.

We intend the community to fully understand our policies and our commitment to the future of Canberra and the ACT. We will not plunder the public purse, wasting money on useless reports and reviews. For a government that said there had been enough reviews and reports in the lead-up to the last election, we have seen this government spend around $4 million on the Canberra plan and its three supporting plans.

A Smyth Liberal government will not splurge around $12 million a year on consultancies. A Smyth Liberal government will not waste funds on a community inclusion board when those funds could be used to provide immediate benefits. There are far better uses for our scarce resources.

The ACT community—individuals, businesses, families and community organisations—will all know where they stand with respect to the Smyth Canberra Liberals when it comes to election day. There will be no three-card tricks; there will be no taking with one hand and giving with the other—just a succession of well-developed plans ready for implementation to build and secure Canberra's future.

Our intention will be to determine how, as a community, we will work together to fund social services through diversity. We will achieve diversity through creativity. We will unleash creativity through empowering Canberrans, and we will empower Canberrans by providing the environment, the infrastructure, the government's model and the confidence to build creative Canberra to create our shared future.

As Charles Landry, the author of *The Creative City* wrote:

> Cities have one crucial resource—their people. Human cleverness, desires, motivations, imagination and creativity are replacing location, natural resources and market access as urban resources.

We will demonstrate how a Smyth Liberal government will develop, fund and implement positive policies to build a creative city. We will work with the people of Canberra to build Canberra, the creative city—a city, a territory, with an exciting future.

MS DUNDAS (3.43): It is with great pleasure that, on behalf of the Democrats, I rise to talk on the budget for the ACT. This budget does not provide a lot for people who currently have the least opportunity to succeed. While the budget is for business and there is a bit in there for students, it does not really look out for those who are the worst off in our community.

This is a budget built on broken promises. The Stanhope government has a practice of announcing initiatives, earmarking money in the budget, and then failing to actually spend that money. They have done this for the last two years with stamp duty concession funding and with crime prevention funds. They massively underspent on new adaptable housing for people with disabilities and on the digital divide program that is meant to give IT skills to people left behind by the IT revolution. Also, $45 million was rolled over through the capital works budget.

These are just a few of the examples where this government has made a promise and then not followed through. It is not good enough to make an announcement, put a promise out there, bask in the praise of everybody saying, "That's a really good idea, we want to see that happen" and then fail to deliver.

The government required departments to make $10 million in savings in the 2003-04 financial year, which impacted on promises made in previous budgets. They are expecting departments to make similar savings into the coming years. So the promised budget allocations for initiatives may not be as generous as they first appear as departments try to meet the requirements that the expenditure review committee is putting on them. The Democrats believe that the government needs to work on how it implements the promises it makes and how it follows through on the initiatives announced in the budget papers.

Mr Deputy Speaker, I would like to talk about some of the issues that the budget papers address. I think we can be proud that the average student in ACT schools is doing better than students in other states and territories. But I think this is in some way a result of the fact that ACT parents are more likely to be tertiary educated. As we know, having tertiary educated parents is correlated with above average literacy and numeracy skills.

But what we should not be so proud of is having such a large gap in educational outcomes between our top and our bottom students. The government was urged to commit extra funding to learning assistance and reading recovery teachers, to commit funds to extra welfare support staff and parent involvement programs to help close the gap between outstanding and struggling students.

I put forward a motion that was supported by this Assembly calling for the establishment of a fund to cover the cost of excursions, camps and subject levies for kids missing out due to poverty. None of these proposals is funded in this budget. Schools do get extra funding in the area of information technology, but this spending will probably not make a significant difference—not in the way that is needed—to the range of educational outcomes among ACT public school students.

This budget is uneven in regard to the environment. I commend the government for putting a substantial investment into our bus system and for showing a commitment to get more Canberrans riding their bikes. But on the negative side, there was no commitment to light rail, and that is incredibly disappointing. That is something we need to be looking at. There should be money set aside for feasibility studies to start the groundwork for moving these things forward. How will we meet public transport targets when we do not truly look at who uses public transport, why they use public transport and how we can encourage more people to take public transport seriously?

The budget also disappoints in the areas of waste management and greenhouse gas abatement. There is no funding for kerbside collection of compostable waste. It seems that the no waste target of 2010 seems to have been forgotten or ignored by this government because the budget for the 2004-05 financial year does not take us closer to achieving that target. At the end of the 2004-05 financial year, the no waste target will be only four or five years away. The government needs to be doing better to achieve that target.

Also, there is no funding for retrofitting of public housing to reduce greenhouse gas emissions. There is no funding for measures to encourage private landlords to retrofit their properties with energy efficient measures or appliances.

There is also far too little money to implement the new ACT water strategy. There is nothing for new water recycling infrastructure. And there is no identified funding for capital works to reduce the flow of stormwater into our lakes and divert this water for irrigating playing fields and parks. Overall, this government has failed to deliver on the environment.

The community sector was understandably disappointed with this budget. They did not get the funding they desperately need to ensure the ongoing viability of community services. Although public service wage increases are accounted for in this budget, there is no corresponding commitment to wage increases for community sector workers, who for so long have suffered as they try to serve their community but struggle to look after themselves.

There is no funding to support training of the community sector workers. There is no money for ongoing minor capital works for the deteriorating accommodation that we put our community sector in. And there is no cheaper deal to help cover their extortionate software costs. And at the other end, we can still expect that the demand on the suffering community sector will continue to increase since systemic problems are not being addressed.

There is no new funding for support for problem gamblers, for research into problem gambling or for the enforcement of the mandatory code of conduct. In fact, the budget of the Gambling and Racing Commission is being cut. At the same time, the government is anticipating increased gambling revenue, when we know that one-fifth of that comes from the few hundred problem gamblers in the ACT. These people are having their addiction exploited.

We are also seeing unmet demand for emergency accommodation, which is substantially attributable to the lack of public housing dwellings for people in crisis housing to move to. We hear so often about the cycle where people get into emergency accommodation, are supported, deal with their initial issues, but then find nowhere else to move on to or do not get the appropriate support systems they need as they make the transition. So eventually they end up back in emergency and crisis accommodation, if they are lucky enough to find a space.

I acknowledge the substantial boost for public housing that is included in the third appropriation bill and I commend the government for finally putting the excess capital in the home loan portfolio to good use. However, I question why the targets for the number of public housing dwellings still show no sign of improvement, despite this capital injection, and certainly no sign of returning to pre-1995 levels. The only explanation is that as much public housing stock is being decommissioned as is being acquired. This is not a sustainable situation when our population, as forecast by the budget, is slowly growing and we have a rapidly escalating housing need.

Mr Deputy Speaker, there was no youth night shelter funding in this budget, not even for a feasibility study. This has happened despite the government's undertaking that they would look into this issue and work out or make a decision on the best model for such a shelter. The government's own homelessness strategy identifies youth homelessness as a growing and ongoing concern, yet there is nothing in the budget to address that identified need. We also do not see any extra funding for the prevention of eviction program, which is fundamental to getting people in struggling households back on track. As little as $100,000 could have made an enormous difference in this area.

Mr Deputy Speaker, there is some extra money for people with disabilities, which is commendable. I warmly welcome the additional funding for the assessment of children with suspected autism spectrum disorder. This commitment was long overdue and it will be a huge relief to many of Canberra's parents when we actually see those assessments come in on line.

However, I would like to see the government exploring the need for occupational therapy and speech therapy student scholarships to address our long-term specialist shortage. The extra money to better integrate children with disabilities into mainstream schools is also very positive.

I was also delighted to see the money for forward design work for a Belconnen arts centre. It is commendable that the government has gone directly on from the needs analysis to the design stage and I hope that means we will get to see construction funding in the next budget and see this arts centre built. It is something that the Belconnen community has been crying out for for a long time. The feasibility study raised some

very interesting points about how wonderful such a facility would be for the people of Ginninderra.

Similarly, I was pleased to see capital funding flowing through for the new Kippax library. There was also extra funding for registered training organisations to assist with the delivery of new apprentices, and that is something that I have also been calling for. I am glad to see that the budget has followed through on this.

It was also very pleasing to see the Office for Women finally being allocated project funding and some of the recommendations of the status of women committee report finally being implemented some 19 months after the report was presented.

I think one sector of the community who really missed out in this budget was children and young people. The government has ignored the recommendations of the community services and social equity committee. In fact, we have yet to see a revised government response to that report. There was no funding for a commissioner for children and young people, yet somehow $340,000 for a small business commissioner was found. Young people make up 25 per cent of the ACT community and they deserve better. They deserve to be supported, not ignored and have their issues swept under the carpet.

I am also doubtful that the territory revenue will be as low as predicted. Yes, the housing slump finally appears to have arrived, so perhaps the projections of reduced stamp duty revenue may prove accurate. The Treasurer always indicates that they try to make sure that they have conservative elements so they do not work beyond their reach. But this government does have a long track record of underestimating revenue, so it is likely that we will overall receive a modest increase in revenue next year relative to the current financial year, based on the government's past track record.

What will need to happen if the government finds that they have, indeed, substantially underestimated revenue? I would be quite happy to come back into this place and debate a supplementary appropriation bill that identifies and addresses the identified needs of the community, that provides funding to playgroups, that provides funding to youth night shelters, that provides initiative funding for a commissioner for children and young people, that provides funding to support those who are struggling in our education system to achieve educational outcomes, that provides funding to work to reduce greenhouse gas emissions, and that provides funding to help address the ongoing water shortage problem.

I think one of the interesting aspects of the budget, however, was the fifth budget paper, the supplementary paper *Framework for future budget presentations: discussion paper*. Estimates committees have continually raised concerns about how budget papers have been presented over the last few financial years and there has been ongoing discussion about the role of the Office of Sustainability and how we can achieve triple bottom line reporting. So it was pleasing to see that this document has been put out for consultation and discussion. Budget paper five notes that we should view this as a first step towards a complex task, and further issues will emerge as the government embarks on this reform.

The report also identifies stakeholder involvement as key to triple bottom line sustainability measurement to ensure effective communication and broad participation. However, budget paper five does not contain any timeframe for consultation or for

implementation. So whilst it is a very good discussion paper, the incentive and support for members of the community to respond to it are not provided, and that is something that I think the government needs to address.

This is a budget that has a lot for business, a bit for students and not much at all for people who currently have the least opportunity to succeed. We need to work harder to look after those in our community who are struggling and who need us the most.

It is interesting to note that, according to the budget papers, all of the reports and plans that this government has put down appear to be based on different sets of numbers. The government has projected a 2 per cent drop in territory revenue based on reduced income from land sales when, just in the last few months, the planning minister announced that 16,000 blocks were ready to be released and prices in Canberra were still rising. The budget papers talk about slow or steady employment growth, whereas the economic white paper is trying to set up the framework for aggressive employment growth. And the spatial plan is set upon the framework of aggressive population growth.

We need some consistency from this government if we are to believe the promises that they are making and if we are to be able to implement those promises across the ACT. Overall, Mr Deputy Speaker, there are some positive initiatives in this budget. The test will be to see whether or not the government actually delivers on these promises.

MR STEFANIAK (4.00): Mr Deputy Speaker, I have sat through quite a few budgets in this place. I have seen our territory budgets go from about $1½ billion to now $2.6 billion. As Mr Smyth said, we have seen an unheard of $400 million in the last three years. It is in a way too good to be true. Is this sustainable? I think there are some significant problems with that, and quite clearly I doubt if it is. Stamp duty, of course, has gone up almost 100 per cent in the last year, and that is something that cannot last.

Economic times are good, not just here but right around Australia, and I think that is a very significant point. Of course, the ACT also has the benefit of increased GST revenue. So there is no real reason why, one would hope, the good aspects of the budget cannot continue. But I think, as my leader has said, there are some significant pointers that show that is simply not going to be the case.

You are right to ask: what exactly have we got for our money? There are some initiatives, and I will come to a few specific ones in my portfolio areas. People are still telling me about some significant problems. Take health, for example. Five or six years ago when you went to emergency you would wait for about two hours to be examined. Now you wait for six hours. At Easter I had a very disturbing phone call from an old gentleman about his 85-year-old wife who had fallen over and broken her arm. She went to Canberra Hospital on Easter Friday at 9.30 pm. As of about 10 o'clock on the Monday night her arm had not been operated on and set. Finally, at 2.30 pm on the Tuesday, some 3¾ days later, she went in and had her arm attended to. That simply is not good enough.

What is actually happening with all this money? Where are the services? Where is the value for your buck? We are simply not getting it with this government. As the economic cycle turns and as times get tougher, are we in a few years time going to be left in the situation we were in in the mid-1990s? Are we going to have a situation again of a future Liberal government going in and picking up the pieces, getting us back to a good state of

economic prosperity again, just to see the cycle being repeated? I certainly hope not but I am not optimistic.

There are some reasonable initiatives in my portfolio areas. Firstly, in the justice area, I am pleased to see an Aboriginal justice centre—a one-stop shop, as I think as the Chief Minister described it. I do not know how well it is going to work. I have had some dealings in private practice with various aspects of trying to improve the delivery of services to indigenous people and there are significant problems. But it is there, it may well work, and I certainly hope it does. I will give a tick to that as a good initiative.

Similarly, I am pleased to see money for the restorative justice unit, especially as it will apply to juveniles in the first year, extending to adult jurisdictions in the second year. Again, this is hardly the be-all and end-all of initiatives but it is one that is worthy of support.

I was interested to see that $1.3 million has been allocated to a program to reduce property crime, with resources being directed at recidivists and high-risk offenders. I have serious doubts as to whether the government is really going to be able to deliver on that. I wish them well. We did a study when we were in government which showed that there were some 234 recidivists—you can finger them. A program like this is to be welcomed but is it going to work? We will have to wait and see.

This time last year I can recall the government pruning 14 crime prevention programs down to 10, dropping the amount being spent by only about $700,000. A lot of money—$1.3 million—is being spent on this one, but let us just see how it actually works. If the government's track record is anything to go by, we may be sadly disappointed. But, on the surface, it is a worthwhile initiative. My colleague has already mentioned the fact that there are only 10 extra police officers—there should, in fact, be 121, in accordance with the promise you lot made before the last election.

There are not a huge number of initiatives in the justice area. I seem to recall that in years gone there have been 10 or 12 initiatives a year. However, this budget contains an initiative that is dear to the Chief Minister's heart—the implementation of ACT human rights. This appropriation is for additional staff necessary to carry out the government's new legislation. Basically, the amount is $252,000 a year, rising only by $1,000 each year. I think you are going to be sadly under what you will actually need to spend.

This just shows the government's complete naivety in relation to human rights and the can of worms they have opened—the incredible expense that will be required to implement this totally unnecessary act right across the spectrum of government departments and the community. They seem to be taking every possible step to use this act. Only yesterday we had another attempt to impinge on freedom of speech, with the Chief Minister and his office threatening to sue everyone who criticised them in relation to a number of comments made apropos a debate that took place yesterday. So much for free speech; so much for human rights.

As I said, I think they have, sadly, underestimated the amount of money that this foolish gesture, which no other Australian jurisdiction has gone down the path of implementing, will actually cost them. I suggest to you, Treasurer, that you might have to spend a hell

of a lot more there. If you are the one who has restricted it, well, it is a nice try but I think it is doomed to failure because your boss, the Chief Minister, is going to need a hell of a lot more money than just that.

There are some good initiatives in the arts area. There is an increase in arts funding, and I think some important new programs need to be funded. Some existing programs need to be funded, too—some icon groups such as the Canberra City Band and the eisteddfod which, in fact, were de-funded. I think some work needs to be done on how the grants program is implemented. But, certainly, you would have to say that the arts community would be very happy to see that additional funding. We wait to see how in fact it is going to work.

I am pleased to see that the government has addressed something that I have been calling for since I have been the shadow minister, and that is to increase the number of groups getting multi-year funding. Currently you have only three. There seems to be a commitment and this will give a lot more certainty.

The saga of the powerhouse glass operating centre has probably been running for almost as long as the poor old Belconnen pool, and at least competition policy and all sorts of other extraneous issues came into play to delay the pool. But the powerhouse glass operating centre project is now being pushed out to about 2008. This good project, which was initiated by the previous government, was meant to be up and running by 2003. This has now been pushed out effectively another five years, which is an inordinate length of time.

There are a number of other projects in the arts which I am happy to see. Like Ms Dundas, I am happy to see some money for the Belconnen arts centre. Page 221 of BP3 shows that $200,000 has been allocated for some design and siting. But there is nothing after that. One has to ask one's self, "Is this just another project with a view to the election; to make people, especially in Belconnen and, indeed, North Canberra, think that there is going to be another very good arts facility built there? Is there any real commitment to do so after the election? Is this going to be a bit like the dragway?" There are zero dollars for financing in the out years.

Mr Quinlan: As there were in your budget, Bill?

MR STEFANIAK: Well, Mr Quinlan, normally we would put in funding for the out years. Here we have $200,000 and nothing more. So you have to ask yourself the question, "Okay, what is going to happen in the out years? Nice start, good improvement on last year, but what is going to happen in the out years?" Is this promise going to be delivered? We just have to wait and see. I wonder about that.

I would like to refer to some other capital works. While I am on that page, I see that there is $70,000 for the Civic pool. The Civic pool is going to need a lot more funding very soon because the life of the dome, which has been up for over a decade—we took a decision about five years ago not to take it down each summer—is somewhat limited. But that is a future expense you are going to have, and there is nothing in the budget in relation to that. All you are doing relates to a permanent enclosure and refurbishment.

I note that there is $20 million in the budget for Quamby. What the minister needs to do is make sure the perimeter fence is secured now—I don't care what she does, as long as that is fixed up so the detainees cannot get out. Indeed, perhaps the minister could also fix up some of the very severe staffing problems and low morale at that centre at present. It will not necessarily take a lot of money to do that. But certainly that project, which is due to be completed in 2006, needs immediate attention now, and I hope that she and her department are doing something to secure the perimeter fence now rather than just saying, "Oh, it's all going to be all right when this project is finally completed." The $20 million is a lot of money, but work needs to be done now to improve the situation there.

Then, of course, we have sports grants. I was very disappointed this year to see that sport and recreation does not really get a mention in the paper *Budget at a Glance*. It gets a little bit of a mention through Chief Minister's in terms of a couple of projects there but there is nothing at all in its own right, and I think that is very unfortunate.

Mrs Dunne: It's got $80,000 for the maintenance of Phillip oval.

MR STEFANIAK: This is *Budget at a Glance*. We started these little booklets, and they are great. Sport and recreation, which always got its own nice little chart, does not get anything in the current paper. There are, minister, some serious problems in sport and recreation.

I was very disappointed to see in the budget reference only to how good the grants were and that they would be continued. I am not sure but I think there was a reference in the paper that there would be CPI. One of the other papers did not even make mention of that. But those grants are terribly important.

Your colleague Mr Wood has managed to secure a very significant increase in arts grants funding. But there is a real need for some additional funding in respect of sports grants. The Academy of Sport especially has a real need. Although the academy has been looking after some 265 athletes for several years, and has been subject to some efficiencies, its budget has not been increased and its funding has remained static—in virtually a straight line.

I would suggest to you, Minister, that the academy probably needs about a quarter of million dollars in extra funding just to get back to where it should be so that it can provide its excellent service to our athletes and so that the drain of staff going to other academies, which are tending to be better and better funded, and overseas can be stopped. Neither this neglected area nor sport grounds have been mentioned in the budget.

Then, of course, we have the dragway. Well, congratulations on this nice little catch-up. This quite clearly is very much just an electoral sop to dragway supporters.

Mrs Burke: We collect some money but we don't know where to spend it.

MR STEFANIAK: Absolutely.

Mr Quinlan: Where are you going to put it?

MR STEFANIAK: I will come to that, Minister. As a result of the promises you made, dragway supporters expected your government to build this facility when you became the government. Were they category three promises? They were not core promises—they were low category promises.

Mrs Dunne: The ones with your fingers crossed behind your back.

MR STEFANIAK: The ones with your fingers crossed—exactly. Nothing happened, and the dragway supporters were rightly annoyed. Last year it looked almost certain that they had no real show—you might help them get a block of land but there was absolutely no money. This was at a time when you had been pretty well flushed with funds as a result of the excellent state we left the territory in when we left government.

Lo and behold, in the budget you say that in the 2004-2005 out years and the 2005-2006 out years there will be $4 million for the dragway—exactly what we said we would do in the policy that we announced in October 2002. And you have got a completion date, too, of 2006. But you have got the proviso, "Well, it's dependent on a site."

You have even said since then that not only is it dependent on a site but "Well, look, we might even have to go outside the ACT". It would be interesting to know whether a good site could be found outside the ACT that is reasonably close enough to Canberra to make the undertaking worthwhile. Also, there could be problems if the laws governing such a site were changed. You do not have the same control over a site in New South Wales.

As you well know, the leases of a number of blocks along Majura Road expire in December 2005. I would imagine it would not be beyond the wit of even this government to try to talk to people about either resuming leases or letting them run out. You obviously have to pay just compensation and all that. That is understood. But take some steps to acquire blocks of land, especially when you have a number of studies, including the 1996 study which started in 1994 under minister Lamont, and, of course, our study of 2001.

MR DEPUTY SPEAKER: The member's time has expired.

MRS DUNNE (4.15): The Leader of the Opposition today described the budget as one where you failed to put hay in the barn in good years. I was thinking about it the other day and to me this is like the fable of the grasshopper who chirruped away all through the good times and then when the winter came along he had not stored away anything for the hard times. And this is what this budget is about. It is about spending your patrimony. It is about spending, spending, spending, spending, spending and getting nothing to show for it.

A little earlier the minister said, "Hey, what about me? You're not talking about me." So I will just talk about you for a little while, Mr Treasurer. The Treasurer said, childishly punching his hand with excitement, "Look, how clever am I? It's about economic growth. Don't you love it? Don't you love economic growth?" He talked about record unemployment and growth and things like that. I put it to you, Mr Deputy Speaker, who

did that? Not this Treasurer, not Mr Quinlan. Mr Humphries and Mrs Carnell did that. They laid the foundations. To his credit, Mr Quinlan, as shadow Treasurer, said during consideration of the last Humphries budget, "Gee, you'd have to love to be a Treasurer when things are as good as this." Then at least he could admit that things were good, and things were good because of the hard work that had been done.

As the federal Treasurer said in his budget speech the other day, good economic management is not an accident. What we have seen here is some pretty accidental sloppiness on the part of the Labor government, who are spending hand-over-fist like a pack of drunken sailors. All the indicators are there and, as the Leader of the Opposition said, "Our alarm bells should be ringing." But they are not ringing on the government side because the government is too busy spending. They cannot hear the alarm bells for the click of the cash registers.

Mr Deputy Speaker, as the Leader of the Opposition said, this is a budget of missed opportunities. It lacks leadership, it lacks inspiration. There is a failure to build on the strong foundations that were established for the Treasurer.

I would like to talk about the issues that are in my bailiwick relating to environment and planning in particular. I want to look at what has been built and what this government has failed to do. I will take a range of examples. When we are talking about strong foundations, we should look at this government's failure on greenhouse. This territory signed up to a greenhouse strategy when Gary Humphries was minister for the environment. In 1997 we agreed to sign up to targets. The ACT was the first and is still, I think, the only jurisdiction in Australia to sign up to greenhouse targets.

A couple of weeks before the budget—this just sort of slipped into a news item—we saw the Minister for Environment, Mr Sustainability himself, saying, "Look, it's really just too difficult to meet greenhouse targets. We are just going to revise them so we don't have to meet them, so we don't have to work as hard, so we don't have to do anything." This was at the same time as the outgoing Commissioner for the Environment was saying that we had to work harder to meet our targets, that there were eight recommendations from the independent review conducted last year that needed to be implemented so that we would come close to starting the process of meeting our targets. At the same time the Chief Minister was saying, "It's just too hard. I might have to make a decision. I might have to do something that would cause someone to think that I wasn't a nice bloke. I might have to require somebody to do something that was hard, and I'm too risk averse for that."

We do have an initiative—and I will discuss the nature of the initiatives a little later—on page 160 of BP3. Under the heading "Implement 2004 Greenhouse Strategy", the document states:

> This initiative supports a community engagement and support programs aimed at reducing greenhouse gas emissions from the residential sector. The *Energise Your Home Program* will provide an energy efficiency audit service for existing houses and financial assistance with the introduction of approved energy efficiency improvements.

I am going to be almost a little unparliamentary here when I say that I wrote the word

"Bugger" in the margin beside that quote, because they had taken my idea. Then I thought, "No, no—

Mrs Burke: As they do.

MRS DUNNE: As they do, but, then again, imitation is the highest form of flattery. I should not complain because they are at least doing something that I think is a good idea. But then I read the fine print, and somebody in my office did the maths. It is a really good idea, but when you do the maths it works out at $3 per household per year to look after residential greenhouse emissions.

The government has done bits in the past. The solar hot water scheme, which was good enough as far as it went, failed to meet the targets. Most of the money might have been spent but it has failed to meet any of the targets, and the government has had to keep upping the subsidy because the program was so badly designed.

I have been critical of the government for its environmental initiatives. A long time ago I said they were too lazy and too lacking in vision to address real ideas on the environment. I have had to add to that that they are just too cheap. Three dollars a year is just nothing. It is a price tag that is risible. The whole program, while it has good foundations, is a complete joke.

At the last election the government had a list of promises for the environment. There are still a few things on that list, which was a bit on the scant side, that the government and Mr Sustainability—the man who said, "We're going to do wonderful things for the environment"—have not yet implemented. Every year we go into the budget estimates and we say, "Here's a broken promise." They say, "Oh, we've got a budget cycle," which is code for electoral cycle, "We've got another couple of budgets in the budget cycle."

Some of the promises that are outstanding would not be expensive to implement. Before the last election the government promised to ensure that the position of the conservator of flora and fauna is independent of and separate from the day-to-day administration of Environment ACT. They have completely failed to do this because—guess why?—the conservator of flora and fauna and the executive director of Environment ACT are one and the same person. I do not have a big argument with that, I do not think this is a terrible thing one way or the other, but they made an election commitment to separate these positions. They made a big fuss in the previous Assembly about how dreadful it was that the conservator of flora and fauna and the head of Environment ACT were one and the same person. They made a commitment. It is not as though it is a very expensive commitment, but they have not met it.

What other broken promises have we got here? They did actually spend the $1.12 million over three years on household solar hot water rebates. But that was to provide 1,500 people with rebates for solar hot water systems, and they have not achieved that.

They also promised to establish an integrated nature conservation plan for the ACT. When you think about what people have been saying about east O'Malley, the—dare we mention it—Oakey Hill fiasco, Nettlefold Street trees, and attempts last night by the government to take away all scrutiny from licences to kill, you come to the conclusion

that the government's comprehensive approach to a nature conservation plan is, shall we say, a bit lacking. There are a whole lot of other things.

ACT Forests has had a pretty hard time over the last little while. We have still got bushfire initiatives, but you have to question what is going on when there is significant money this year and in the out years—$9 million—for the planting of pine trees in the burnt-out areas west of the Murrumbidgee. There has been a lot of consultation of a sort, but there has been no discussion in this place and no decision announced about what will be the future of ACT Forests.

We have been waiting for months to get a look at ACT Forests' business plan for the future. But we know two things: they are going to build them a headquarters but they may not continue; and now there is more than $9 million in the budget to plant pinus radiata or associated pines west of the Murrumbidgee. We have to ask: what is going on?

My favourite item in the environment area is $10 million for an arboretum. There is $10 million this year to plant an arboretum and $9 million this year and in the out years essentially to replant most of the ACT west of the Murrumbidgee. It is either going to be a damn big arboretum or they are going to be very expensive trees.

I do not have a problem with the concept of an arboretum. People have, in a demeaning way, called an arboretum a tree zoo. I think I was quoted as calling it a tree zoo, but I have not done so because I can actually pronounce the word. You have to question the priorities of a government which, when we have so many other problems in our environment, is going to spend $10 million on planting trees in a particular area.

We have not addressed a whole lot of other important rural environmental questions relating to the fire, such as dealing with invasive plants—sorry, that is modern and trendy language for weeds like Paterson's curse—and the building of fences. We are going to plant an arboretum to get over the fire but we have not done the basics. We have not fixed the weed problem and we have not fixed the fences. You can build an awful lot of fences and spray an awful lot of weeds for $10 million.

I will leave the environment and direct my remarks to urban services. I know I sound like a cracked record, but I want to refer to the old No Waste by 2010 target. This government has absolutely, completely, utterly and without a doubt dropped the ball on No Waste by 2010. We have no idea what this government proposes to do in relation to putrescible waste. I have been asking. The minister was gunna do something. He was gunna go on a fact finding tour just after the last estimates committee meeting, and I know that he did because I saw it in the ministerial travel reports. He spent two or three days visiting Port Stephens and all the other usual spots. I could have done that on the Internet. I have actually downloaded the information about how they deal with putrescible waste in Port Stephens. He did not have to go on a ministerial tour.

We have not even got a feasibility study for this one. We have not got an idea. It is big, it is smelly and it is messy but we do not know what to do with it. This is what is wrong. It is interesting that the government has initiated a recycling award, but the government would never be in a position to qualify for its own recycling award because it is so pathetic when it comes to the issue of putrescible waste. We are not going to achieve our

targets—the targets they say they subscribe to. But saying is one thing: doing is another, and this government does not do.

Public transport—this is a corker, Mr Deputy Speaker—is a really classic case of spending more and getting less. Before the budget was presented, it was announced in the sustainable transport plan that there was going to be $1.1 million for new services in Gungahlin, south Tuggeranong and west Belconnen. It is very interesting that there seems to be—and the emphasis is on "seems"—$1.1 million extra in the ACTION budget. But there is no provision for extra plant and equipment—in fact, this is down 1.5 per cent—so there are no new buses to meet the extra hours of service. Hours of service are up only 0.5 of a per cent and journeys are up a measly 1 per cent. So it seems to me that they have actually provided for extra services in Gungahlin, south Tuggeranong and west Belconnen by redirecting buses and reducing patronage somewhere else.

I await estimates with great anticipation so that the minister and ACTION can explain to us what they are doing. At the moment it is another three-card trick. We are paying for more and we are getting less. This is the whole tenor of everything that you see in this government's budget in relation to the environment.

MS TUCKER (4.30): I will keep the topic on and start my comments with the environment. I agree with Mrs Dunne: the government's funding commitment for the implementation of the greenhouse strategy is shameful, although I point out that pushing a freeway through a nature park and further facilitating car use is not consistent with a real commitment to greenhouse gas reductions. So Mrs Dunne is in a very weak position, as is her party, on the question of greenhouse, particularly when it is clear that emissions are increasing in the transport sector.

We know that climate change is having a massive impact worldwide and on our own region. We are well aware that the federal government has let us down by failing to support alternative energy research such as the CRC for sustainable energy in Canberra. The existing Photonics CRC and the proposed new Solar CRC are important assets for the ACT and for Australia. I am really disappointed that I have not seen Jon Stanhope and Brendan Smyth speaking about this much more than they have been.

In Queensland, Premier Beattie and the Liberal MPs, along with the Liberal President, Tony Staley, are actively and publicly fighting the federal government's decision to fund fossil fuel CRCs over environmentally beneficial CRCs. Instead of further developing renewable energy sources and looking towards the future, the federal government is pouring millions into a dead-end cause, yet the ACT government and the ACT opposition have stayed silent on this matter, as far as I know. If they have been releasing press releases and making statements, I apologise for misrepresenting them, but I would like to see them.

The 2003 ACT *State of the Environment Report* clearly stated that, if present trends continue, the ACT's greenhouse emissions are expected to increase to well above the ACT government's self-imposed target. Instead of creative, collaborative solutions to address energy efficiency, the budget contains initiatives that are too small to make any real impact on the status quo. It does seem to me that the government is not committed to meeting even its own greenhouse gas targets.

Overall, funding for the greenhouse program has increased by only $100,000 next year, even though the government claims it is increasing capacity for a range of programs aimed at reducing the ACT's greenhouse emissions to the tune of $300,000 per year. This can only mean that $200,000 worth of greenhouse work has been dropped. But $300,000 per year is, in any event, clearly inadequate to achieve success through a community engagement and support program that incorporates energy efficiency audit service for existing houses and financial assistance with the introduction of approved energy efficiency improvements.

Similarly, there is a one-off allocation for energy efficiency measures on government buildings, but it is only $200,000 and it is only for this year. It is difficult to see how it will make any real change. I call on the government to do what New South Wales is doing and to introduce benchmarks for greenhouse emissions for electricity retailers so that at least some steps are taken to address greenhouse in the ACT.

As I said, I urge the government to fight for CRCs in Canberra. This has been such a disappointment not only for the environment but also for employment. The ACT is a centre for excellence and research—I see the government putting that forward as one of its key platforms in the economic white paper—and that is the identity of Canberra in Australia. When we have this fantastic opportunity which the federal government, because of its ignorance on environmental issues, is failing to support, this government should really be objecting.

I understand that the water energy savings trial is to be extended for another six months, which is pleasing, but I am disappointed that the government did not commit to programs that alleviate poverty for our vulnerable citizens and achieve greenhouse emissions savings. I notice that spending in the environment portfolio is down $2 million and that many of the initiatives announced are related to bushfire regeneration. While this is important, it should not mean that funding to other environmental initiatives should be reduced, and clearly they have been.

On the subject of pines—I noticed that Mrs Dunne also spoke about this matter—and riparian zone rehabilitation, I make the point that there have been strong arguments put that revegetating with native open woodland in water catchment areas is particularly important. If we are interested in ensuring future security of supply of water, then an area of water catchment such as the Cotter has to be recognised as a critical investment.

We are being told that a compromise solution has been reached, balancing questions of cost and jobs against environment. From the Greens' perspective, this is not understanding the priority or investing in water catchment in the way that we should be. There are models now, which are becoming much clearer to anyone who cares to look at the literature, which show that the projections about potential landscape fires and severe rain events are changing radically. This is, of course, due to global climate change. The percentage possibility of this occurring is increasing significantly. We have to take that into account when we make decisions and so-called compromises on questions of jobs and costs and when we are talking about something as precious as water supply for the ACT into the future.

It is totally inappropriate to have a crop of pines in the catchment. Even with good riparian zone ecosystems, the risks of landscape fires and intense rain make pines a bad choice, even without fire-salvaging of pines as a crop. If that is not followed by heavy rains, then you have the same issues for the water catchment. We can spend $8 million on a dragway and $10 million on an arboretum but we cannot properly protect the long-term viability of the catchment. Long-term plans for water supply are all very well, but we have a very short time to get catchment rehabilitation right. This is a critical opportunity. We need to show leadership and have a long-term perspective when we make decisions about water catchment.

I want to talk now about the viability of the community sector as others, including Ms Dundas, have done. The viability issues for the community services are still pressing and have not been acknowledged by this budget. We have heard the Treasurer say publicly that it suits the government to have services delivered by the community sector because it saves money. While to a point this is about the efficiency of the sector, there is a line which has been well and truly crossed, and that is that the sector is cheaper because it is underpaid and undersupported compared to the public and private sectors. Arguably this is at the expense of the people working in it, as well as the people they support.

Many effective and committed people move on to the more reasonable workable conditions in the other sectors. Considering that these services are dealing with marginalised people in our community and require skilled people to be working in them, this is an unacceptable situation. It is, in fact, a disturbing reflection of values in our society. If we can be measured by how we treat those who are disenfranchised and marginalised in our society, then we could certainly be doing better.

I make the point that we are talking about people who have a mental illness or a disability, carers, indigenous peoples, people who have been brutalised in some way, people who are new to Australia and people suffering economic disadvantage for various reasons. We hear a consensus from all sides of the political debate that capacity building, support and empowerment are the ways to address social disadvantage, but those who are on the front line of that work are not being properly supported. I see this as a serious failure in public policy not only in the ACT but also nationally and internationally.

We see a growing divide in our societies between the haves and have-nots. We see the influence of the neo-liberal approach on both major parties increasingly result in their policies being disassociated from the reality of the everyday lives of the citizens, as well as failure to take a responsible long-term approach to ecological sustainability. The consequences of these failings are serious. We have choices, we understand what works and what does not, we understand what supports inclusion and engagement and what creates greater division, but we still fail to see this understanding adequately translated in policy decisions and budget policy decisions. While there is money put aside in this budget for pay rises for the public sector, and which I certainly support, there is no commitment to pay the community sector above the very limited—and frozen—SACS award.

I would, however, like to put on the record my support for the Community Inclusion Board, which might prove to be a really valuable and profound initiative. I think it will

not deliver on its promises, however, if it is not able to speak openly to anyone, including any member of the Assembly. It must have an independent voice and, most importantly, actively engage with and be advised by people in the community who are supposed to be included. This will require a sophisticated and considered approach, backed up by resources. The mass mail-out of the social plan, for example, rather than being more or less a promotions vehicle for government, could have been used as an opportunity for people to respond, complain or put their own perspectives. There is a more general issue about working with community services and advocacy groups as well.

One of my key goals for this term was to see a comprehensive review of complaints mechanisms and oversight agencies. While I was somewhat disappointed with the set up of the review when it did occur, the work that was done and the report that came out of the review were valuable. It is disappointing then to not find funds in this budget for the implementation of any of the key findings of that report.

It is an ongoing problem for the community sector that people on significantly lower wages than those in the public sector have to give freely, often of their own time, to reviews and consultation only to find that the most important elements of that work are not carried forward. The failure to create a youth commissioner position—something that has been high on the youth sector's priority list for several years and was a recommendation of the oversight agencies' review—is a case in point. It was actually a recommendation of the committee Assembly. But I will speak more about that later.

Another project on which I worked hard with community organisations was the Alcohol and Other Drugs Taskforce. The government's preferred approach was a high-level working group whereas we favoured a more participatory approach. In the end, membership of the group was quite wide ranging, although I would say that the number of government agency representatives may have led to too strong an influence of government priorities.

The draft strategy, presented in December last year, includes a number of far-reaching goals and actions. It is not the time to go through it in detail, but there are some useful reflections for this budget. For example, the strategy calls for further promotion of the health-promoting schools model across all ACT schools. This budget has two initiatives in schools—one is about engaging specialist organisations to deliver nutrition and fitness education; the other is for college health educators. While I am really pleased with the college project, I still await the detail of how it will work out across the sector.

Other key areas identified in the strategy and which have also figured largely in public debate, but which have not been addressed in any significant way in this budget, were the establishment of employment programs for the long-term unemployed—such as people currently in treatment for drug and alcohol issues—including training and volunteering opportunities. Nor has the government taken any more steps towards ensuring bulk-billed access to primary health care services, including those for injecting drug users.

There are other inconsistencies in this government's approach to community engagement. I am pleased to note the substantial investment in community engagement and development through the 2004 third appropriation bill. However, there appear to be no funds put aside in the ACTPLA budget for the redevelopment of community

participation and planning now that the LAPACs have folded and the community planning forums have been abandoned. The interactive neighbourhood planning component of the planning process also appears to have fallen completely by the wayside.

I think we are all aware in this Assembly that community concern is at its most intense when it comes to local planning. It is not a good reflection on where we have got to in this term if these key components have been silently abandoned. Furthermore, we were all aware that some community groups were cautious, in the days of the previous government, that comments they made or positions they took would impact on further funding. There have been similar feelings emerging now among a range of community organisations in regard to their future funding and I find that very concerning. Reform of the disability sector appears to have tied services into a funding cycle and structure which makes them particularly vulnerable to reward and punishment.

I would like to look in more detail at particular sectors. I acknowledge that the government seems to have really supported the indigenous peoples of the territory and I commend it for that. On the youth sector, the Youth Coalition presented a comprehensive response to the budget. I am sure people are aware of it and the government has it, so I will only briefly summarise the main concerns. As I have said already, they comment on the lack of funding for a children's commissioner. I will add to that my concern, as I have already mentioned, about the oversight bodies' complaints mechanisms.

On a specific note, I was disappointed to see that there was no direct funding for programs such as the JPET Multicultural Youth Service which is facing cuts from the federal government and trying to address unmet need, particularly from 'at risk' refugee and migrant young people, 18 to 24 years of age. Also, housing is still an issue for the youth sector, particularly for at risk young people. The proposed night shelter and the youth boarding houses are yet to see the light of day. One of the general concerns that has come up, which I will comment on, is that there are really good initiatives in education for health promotion in high schools, I think, particularly—maybe it was in colleges. There are definitely some good initiatives in the education area, but they need to be mirrored in the youth services, which deal with young people who are not in the school system. That is really important because these people are extremely vulnerable. This budget has neglected that particular group of young people.

For housing more generally, I can only make the same points that I will make when we discuss the third appropriation bill. While I was pleased to see the announcement of $33 million late last year, it is still not entirely clear what it will be spent on. Certainly it does not appear to be going towards making all public housing more environmentally and energy efficient, and so cheaper to live in for tenants, nor is it going to be spent on increasing the number of properties for ACT Housing to manage.

While there are good things about the homelessness strategy that this budget supports—I commend the agencies and the government for putting it together—the underlying issue will remain one of stock. Homelessness will remain a problem when there is neither sufficient emergency housing nor long-term public housing available. The supposed $5 million initiative does not quite cover the loss of the $5.9 million of GST compensation through the CSHA. I understand that the government's response to the concern expressed by community was, "The compensation for that loss of the

$5.9 million didn't occur last year; therefore it's a new initiative." I think that is a rather doubtful argument.

To return to the issue of community services in this context, there is no apparent increase in the budget for organisations such as YWCA and Shelter that do an enormous amount of work linking the government to service providers and tenants, as well as contributing ceaselessly to policy development. CEAS now has ongoing funding—$1.6 million over four years—to provide emergency housing referral information. This is really good to see, as it has provided a valuable service in assisting people locate emergency housing beds. However, there is a need for centralised housing information that assists people to locate housing appropriate to their needs. Currently the contact details and nature of supported accommodation services are not accessible to those outside the sector.

I turn now to the prison. Just as a stand-alone comment, I would like to say the government's commitment to restorative justice is fantastic, but the intention to build a large prison demonstrates in a way a lack of faith in that project. As to human rights, another interesting contradiction is in the Human Rights Act, with an allocation to assist in its implementation on the one hand compared to the government's present preparedness to sacrifice appeal rights and any other considerations of due process in the face of the political and electoral imperatives of being seen to deliver the Gungahlin Drive extension.

In relation to industry, I am sorry that the Chief Minister has not, as I said, stood up to the federal government's decision to not fund the Photonics and Solar cooperative research centres. I have already spoken about that at length. I have also mentioned a minor concern that we do not see real initiatives to deal with long-term unemployment, particularly of unskilled people in our community. The government might respond to that, "You stop asking us to pull back forestry." I am acknowledging that that is an issue and that that is the place where we have jobs for people who are not skilled, but it cannot be used as an excuse to sacrifice water catchment.

On disabilities, I am concerned over the focus on the medical model of care for the most vulnerable people in our community and I do not think respite care has been adequately addressed. It is pleasing to see that $1.25 million has been allocated to addressing unmet need for people with disabilities. I notice that this amount is primarily for people with high and complex needs. This money is warranted; however, there is always a need for more money for people with disabilities who are not defined as having a high need.

I am also concerned about and interested to know—maybe it is in the budget; I have not had a chance to look—of the money that has been allocated for people with unmet needs, how the government is supporting provision of therapy services for children who have disabilities. We know that therapeutic support given to schoolchildren in the early stages of school has very long-term beneficial results for the rest of their lives. It is well documented that, even though there has been a restructure of the therapy services provided by CHADS, there is an undersupply and huge pressure on therapy services in the ACT. That has come out at inquiry after inquiry and I am still not reassured that that has been dealt with.

Meeting people's care needs within their home and at an earlier stage may prevent the need for more funding at a later stage. Person centred care for people that can be

provided in their preferred environments, maximising the use of natural support that individuals have in their lives, should be a priority. Respite care is obviously one way to achieve this. It is disappointing that we have not yet seen a plan to increase the capacity of respite services to meet the need for more respite services. In the budget there is a commitment of about $200,000 per year for the implementation of the carer's policy, which is good, but it should be accompanied by real funding for respite services. Young people with disabilities still face limited options in finding suitable accommodation in the ACT. There are not very many options for them to move out of their parental home, simply because many housing options provided by community groups have long waiting lists.

On the question of aged care, initiatives around mental health are welcomed, in particular suicide prevention—an issue for older men, according to COTA—and the sub-acute facility also. Affordable housing is still an area that needs attention, with some pensioners spending 60 per cent of their income on rents. There is also the need to provide incentives for older people to move into appropriate housing. The provision of aged care beds is also still an issue, with COTA claiming that, if people who are inappropriately in hospital beds were relocated to aged care facilities, $16 million would be saved. I think there are some broader issues in this debate, though.

There really needs to be an analysis of who is in aged care facilities, whether lower entry category people could be supported at home and why we continue to pursue the institutional model in aged care when in every other area it is regarded as inappropriate and not good practice. Can we better identify natural support systems and have aged care support tailored to meet individual needs? There are interesting examples of creative thinking in this area in other places, such as Homestay in New South Wales, where students who are struggling to pay rent in Sydney can live in the home of an older person and in return provide support or even just company. There are, of course, economic arguments as well as social arguments to pursue these alternatives. There is also the potential to creatively address the issue of long-term unemployment of older people, with labour market undersupply being harnessed to the skills of older people.

I have missed things but I am sure no-one will mind. I have not had time to put any more together at this point. I want to make some more general comments about the budget layout. It is frustrating to again have changing measures. It is difficult to keep track of changes over time if measures keep on changing. Again, I have to point out problems with the quality of measures. I am looking for a link between quality of outcomes for the people or the environment or whatever is going to be affected and the measure. For example, within Health and Community Care, output 1.2 for mental health supported accommodation places on page 157 of Budget Paper No 4, the measure of 'places', with a target of 116, has been changed to 'bed occupancy', with a target of 95 per cent.

I am happy to hear an explanation of this if it is different, but from reading it and trying to understand what this new measure is about, taking the occupancy target on face value, 95 per cent is a high target because there is in supported accommodation some necessary time between people and lack of predictability. Let us look at what these two measures tell us. The old measure, of the number of beds, was at least a quantity that could, with some additional research, be linked to the number of people who are accessing the service, whatever the need might be. The occupancy rate is not at all useful. It gives no

indication of whether even the number of places is increasing or decreasing, let alone any way to get to the more useful measures of quality.

The sorts of things we want to know about supported accommodation for people with mental health problems include: if, for example, there were 104 people for 104 beds, how many people could have moved on but were not able to find any accommodation; how many needed long-term support and how many got it—and the same question applies for short-term support; how many people came back, and how many times; what were the genders, the primary languages and the ethnicity of the people accessing the services?

The government may say that you need some focus in measures and outputs, and that is true to an extent, but you could do a lot better at linking the measures to the kinds of information that can really tell you how well the service provision is meeting needs, how much more is needed and of what type. It is also true that the number of outputs was drastically cut under the Carnell government, which was spun at the time as somehow providing more information, but clearly it does not. Service providers do generally collect good data, but the analysis work takes time. Surely this is something that the government, which is interested in inclusion and so on, could do better on.

I have a few comments on the triple bottom line reporting statement. Clearly, the government is making an effort on triple bottom line accounting, but it is disappointing that it has only got as far as this discussion paper in three years. The ACT sustainability report, which will come down in June, might provide some guidance, although a report will never set goals in the way that a budget does.

The women's budget statement is a totally inadequate substitute for a gender audit, which is what the Greens have been calling for. It is laughable to include measures indirectly benefiting women as women's initiatives. An audit would look at conditions. This statement is just talking up initiatives and re-listing many initiatives mentioned in other areas of the budget. I suggest that there needs to be much more advice sought from experts if the government is to have any credibility in this area. I do not know whether the expertise of the advisory council is being accessed but it sure does not look like it.

I will give an example of what a gender audit might look like in one area. Let us take mental health as an example. How do men and women experience mental illness? What services do they access? Who cares? Who cares for men and who cares for women? And then let us look at where the money has gone. Without having done such an audit, I can tell you that the general opinion in the sector is that men are in the high cost acute facilities; women suffer at home and are in the vast majority of carers. To undersupport funding for women's outreach and carers flies in the face of this reality.

Of course, there are always arguments about the pressure to fund the sharp end or crisis end in any sector, but let us look at the gender implications. In this budget, the government has again failed to heed the message from Community Services about the need for specific mental health outreach services for women. The Greens do, however, welcome initiatives such as incentives for maternity and parental leave in the private sector.

I will briefly mention the economy. Clearly the last year or more have been good for money coming into the government, linked closely to the housing boom. This is clearly good for the government coffers but not necessarily for everyone in Canberra. Arguably, this has been extremely bad for housing affordability. That is why investment in infrastructure, such as public housing and light rail, is important at a time when the government has money and there is a wider need for equitable investment.

MR PRATT (4.58): I rise today to reply to the government's 2004-05 budget and, in particular, to speak about areas relating to my shadow portfolios and my electorate of Brindabella. While on the surface the budget may seem sound, it lacks imagination and creativity. It is purely an election budget. Additionally, the funding is scattergun across the portfolios and not tightly targeted to those programs where the greater productivity and 'bang for the buck' could be achieved.

There are areas in the budget that have large gaps—areas that are important to the Liberal opposition and the Canberra community. Importantly, in my area of concern there are few obvious productivity gains for the areas where funding is allocated. For example, BP 2 states that there is a $4.5 million increase in funding for 2004-05, equalling a 4.98 per cent increase in funding from last year. However, there is a 5.75 per cent decrease in services through a reduction in police personnel. The 2002-03 ACT Policing Annual Report lists 817 police personnel, both sworn and unsworn. The 2004-05 ACT budget states that over 770 police personnel will be funded, 47 personnel fewer than in the 2002-03 ACT Policing Annual Report. Are the 10 additional police officer positions for 2004-05 and the 10 additional positions for 2005-06 sworn or unsworn positions? When we find that out, it may even add another complexion to the issue of police capability.

Community policing is a high priority not only for the Liberal opposition but also for the community. The 2004-05 budget submission of the Australian Federal Police Association states that the ACT needs an estimated additional 121 sworn police officers to bring the ACT in line with at least the national average of sworn police officers per 100,000 head of population.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR PRATT: Mr Speaker, surely you would remember your own party's election promise back in 2001 that stated that the Labor Party would increase sworn police personnel from 181 per 100,000 head of population to the national average which, according to the AFPA, currently stands at 218 per 100,000 head of population—an increase of 37; a gap of 37.

The Stanhope government just keeps on breaking its promises. It made a classic promise in the 2001 election to do this, yet it has not been done. The government continues to break its promises. The sworn police personnel issue, coupled with the ever delayed Woden police station saga—we will not hold our breath for the completion of the project listed in the budget as June 2005—continues to show the Stanhope government as inactive in community safety, inactive in law and order and inactive in promise keeping.

We are so concerned with the state of policing and the capacities of our community police teams that we must implore the government to urgently allocate new funding in this budget to reduce the pressures on our policemen and policewomen. It is simply unacceptable that this government will not recognise and take action to remedy the many pressures across ACT policing—pressures not just in numbers but also in the rectification of systemic operational and administrative weaknesses in the systems that underpin ACT policing.

The government has a major retention problem with its police. It is losing experienced police and fielding understrength and overstretched police teams. Our policemen and policewomen are very important and this government is badly letting them down and, consequently, failing the community. This budget very poorly attends to these issues.

Further, I note that funding has been allocated to addressing the ACT's domestic level counter-terrorist plan. This is welcome, given the national and community threat levels that now exist. However, I am concerned that, at a cost of about $1 million over four years, this critical priority seems to be underfunded. I look forward to a detailed explanation of where this funding is going. Further, though, and of major concern, I see little funding allocated to enhancing ACT policing's role in our domestic counter-terrorist plan. A small amount of money has been made available for chemical, biological and radiological counter-measures equipment, which is welcome. Not only is community policing underfunded in this budget; the most frightening challenge—terrorism—may well be neglected. I look forward to being proven wrong in the hearings. I hope that is the case, because this is a major issue that this community needs to come to grips with.

I now turn to the education budget. BP 2 lists a five per cent increase in funding for 2004-05, resulting in 910 fewer education places for students than last year but with an increase of two schools. Therefore, $16.4 million is being put into education with 910 fewer education places for Canberra students. The Minister for Education, Youth and Family Services must be so proud of the information in BP 4—the increase of $32.476 million in funding in 2004-05 from the 2003-04 estimated outcome, being partly offset by declining student enrolments in government schools, effectively amounting to $2.263 million. Instead of the minister trying to fund initiatives to attract and retain students in ACT government schools, she has accepted the loss. Perhaps she has thought, "Oh well, we can just blow the money on something else." That is not very responsible.

BP 4 also reveals that there is a 4.1 per cent increase in spending per government preschool student. Does this sound good? It may, until you look a little closer at the detail. There are no increases in services, quality or effectiveness for government preschool students and only one additional education place has been offered. Again, the minister for education must be so proud of what she is bringing to the students and parents of Canberra—one additional government preschool place, overall 910 fewer education places and more money being spent because of the declining enrolments in the government school sector, but where is the productivity? No wonder there are declining enrolments in the government school sector!

The minister is not addressing the problem. She does not care about the impact it has on public education and prefers to spend the money on things other than attraction and

retention strategies. Let us talk about retention strategies, the types of strategies which stakeholders and community representatives say must target students at risk for failing to complete their education—strategies that target early high schooling; strategies that target children at risk in primary schools; strategies that reduce disruptions in the classroom and focus more effectively on pastoral care, values and discipline. I am pleased to see the government paying at least some modest attention to values, discipline and pastoral care in its curriculum renewal process.

Meanwhile in the non-government sector we see another round of neglectful funding by this government. The funding allocations for children with difficulties and ICT programs are so paltry as to be nothing but token gestures. Further, having wrecked the ISS program, we are not confident that the government has replaced this with an equitable, fair and effective system of structural funding support for non-government schools. We are keen to investigate this issue further in estimates as well. The government's claims about funding to non-government schools also appear to be mixed with federal funding allocations, and this we are currently investigating too.

Let me move on to the industrial relations budget. BP 4 states that ACT WorkCover has a five per cent decrease in funding from last year. This has resulted in a huge 62.5 per cent decrease in services through reduced client visits, from 160,000 down to 60,000, and the deletion of the small business OH&S tool kits. The government claims that the reduction in services is due to the removal of a hard copy newsletter and the addition of an electronic newsletter. Will this affect the number of client visits or contacts made? Is the electronic newsletter going to fewer workplaces or clients than the hard copy? How can that reflect a change? For the sake of ACT WorkCover, I certainly hope it does not.

I will speak briefly on emergency services. BP 4 under "Emergency Services Authority" makes reference to the Emergencies Act 2004. I would like to point out that at present there is no such act. The government is being very presumptuous when it talks about the Emergencies Act 2004, which has only been tabled today. The legislation has certainly not been debated and passed by the members of the Legislative Assembly. There is no doubt that we are going to have to pass the legislation as quickly as possible, given that we are now four or five months out from the next fire season. I will talk more about the emergency services budget when I refer to the funding in my electorate of Brindabella.

I also have questions about the youth budget. In BP 4 there is a 13.6 per cent increase in funding support for young people with no increase in the number of students to be supported. Would it not be a priority for the Department of Education, Youth and Family Services to fight for an increase not only in funding support for young people but also in the number of young people being assisted and supported each year? When you look closely at this budget, the practicality of the funding increases is very hard to find. I would like to note that it is a positive result for the multicultural community that $2.591 million of capital works has been funded to build a multicultural centre by June 2005. But much like the Woden police station, we will not be holding our breath until it is built.

I will now speak about the funding in my electorate of Brindabella. The electorate of Brindabella received funding for some positive projects in the 2004-05 budget, but the overall effect will be minimal to the residents of the area. I am pleased to see a number

of initiatives in the areas of education and emergency services for the electorate but would have liked to have seen more focus on youth services for the southern suburbs of Canberra. The Melrose High School gym, for example, is a most welcome initiative and is well overdue. Ensuring that our children are physically active is a challenge and should be a high priority in the effort to reduce the obesity rate. If we are to encourage children to partake in physical activity, adequate facilities are needed. There are a number of primary schools throughout the Brindabella electorate that have inadequate facilities, often having to share gym and assembly hall functions.

It is also vital that schools have the necessary number of teachers with physical education training. This is still a major problem in many schools—in fact, it is a dramatic problem in many schools—despite teachers in universities like the University of Canberra now having a PE teaching degree.

The wireless broadband program will provide wireless broadband connection for schools that are outside the boundary of current proposed broadband cable implementations in South Tuggeranong. *[Extension of time granted.]* Ensuring our students have access to the internet is crucially important in this information technology day and age. All students who complete their education will need to be equipped with computing and internet skills. This is a most welcome initiative, and not before time. Students on the south side have been at some disadvantage in this area.

The Child and Family Centre in Tuggeranong is another welcome announcement. I hope that commencement of this project is a priority for the Stanhope government and that the June 2006 completion target is met. For the sake of children and families in Tuggeranong, I hope the project is not delayed like the Woden police station. The Canberra community cannot afford for these capital works projects to be delayed by this inactive Stanhope government any longer. These outstanding projects must be moved along quickly. I hope the new projects coming on stream are going to be more reliably expedited. The Child and Family Centre in Tuggeranong is another welcome announcement. Let us hope the target date is met.

I am concerned that there was not additional funding for more youth centres of the calibre of that at Lanyon for locations perhaps at Erindale and Calwell. There was funding in the budget for youth services in the city, but it appears that the Brindabella electorate misses out in this area. The Tuggeranong community has been in great need of such centres for some time. I am well aware that Tuggeranong aid agencies have been struggling for a while now to help street kids in the area—for example, the nightly concentration of street kids along Tuggeranong Lake and around the Hyperdome. These kids need special care—

Mr Quinlan: Put them in the army.

MR PRATT: Can I quote you, Treasurer?

Mr Quinlan: Yes.

MR PRATT: What a lovely initiative: put them all in the army. These kids need special care and suburban centres across the Brindabella electorate would best tackle this growing community need. Incidentally, $2.5 million for youth at risk over four years is

insufficient. I do not see it being tightly targeted to provide the best outcomes—for example, youth centres and trained staff, which is what we need to see more of. I think that providing skilled staff for 18 hours per week at Lanyon Youth Centre is far too little to attract and retain the kids who ought to be spending more time there rather than being on the streets in the Tuggeranong Valley.

The funding for the Birragai Outdoor Learning Centre is incredibly overdue as it is the replacement of an essential facility. Funding for this vital facility should have been appropriated at the first opportunity in 2003-04 but was not because the Stanhope government delayed the decision. It faffed around on the whole outdoor education policy. If the project at Birragai is completed on time, the delay experienced means that, for at least two years, Tuggeranong Valley schoolchildren will not have experienced the Birragai program, a most worthy program. This is scandalous.

I will now talk further on emergency services funding specifically for the Brindabella electorate. What about a bit of action rather than delay, delay, delay? The work on Calwell ambulance station is welcome and regional priorities are properly targeted. That is a good move by the government. A lot of infrastructure in the Kambah area was destroyed on 18 January 2003 and it is high time that it is replaced. The funding for additional community fire units is most welcome and targets what I believe to be a critically important component of the overall bushfire prevention and response program.

While I realise that there are many pressures on the budget, the funding is inadequate for the number of teams the ACT should have. Twenty new teams, normally a maximum of 12 residents, one trailer and equipment per team will be introduced, bringing the total number of CFUs to 28. It must be stressed that one CFU is capable of defending one street; therefore, in vulnerable suburbs of the size of Kambah—a frontier suburb, if you like—which has about 4,000 houses and a very strong westerly and north-westerly fire weather approach, realistically 10 CFUs would be required. We cannot hope to meet that sort of objective, but we should be aiming for a little better than a total of seven CFUs for the Tuggeranong Valley. That is the total for the Tuggeranong Valley, let alone for a suburb the size of Kambah.

The messengers program in the Tuggeranong Valley is a good program. It could certainly be better promoted to assist youth at risk, giving them another goal or interest in life. I would like to see its work better targeted in youth centres but still operated by the Tuggeranong Community Arts Association. If we can attract more of our youth to youth centres through programs like the messengers program—surely this must be the aim—the more successful these centres will become. If they are running successfully, they are better focusing assistance programs to help kids. When the word gets around, the youth are more likely to attend and become much more attached to the centres rather than to Lake Tuggeranong.

I thank the government for the positive initiatives and funding for key areas of my shadow portfolio responsibilities and my electorate of Brindabella. However, I reiterate my disappointment that more was not done in the areas of education, police and youth. I only hope that these areas will be specifically identified as priority areas through this year for the next budget.

MRS BURKE (5.21): Overall—one can only say "disappointment" when I think of this last budget of this government's first term of office. Why can I say that? Well, for six years this government sat in opposition telling the then Liberal government about just how they were going to do things better and just how fiscally responsible they were going to be. But I think we had better let the figures speak for themselves. I have to say I am disappointed because I did believe that they were going to make a difference. But after three budgets all we are seeing is a slow slide backwards. Do not take my word for it: many people better qualified than I have said similar things.

This government inherited a very sound, strong economic base despite Mr Quinlan's grumblings from the other side. They should not take any glory for that. Kate Carnell and then Gary Humphries left this economy in great shape. What a shame we cannot say the same now. Our future—Canberra's future—has been squandered and frittered away over the last three years. What is even more serious is that overall we have a situation now where taxpayers are paying more and getting the same or less.

It is obvious to us all, now that the budget has been handed down, that there are still many opportunities and yet many challenges ahead for the ACT. The challenge is that this government is spending beyond its means. The opportunities are for the Liberal opposition to implement its policies for a creative Canberra after the next election. The devil of this budget will of course be in the detail which will become clearer through the estimates process. With this to one side, allow me to address the budget with regard to the portfolios I have responsibility for and which particularly affect or benefit the constituents in Molonglo.

There are some good initiatives contained within this budget that I will comment on shortly. However, I would have to say that this budget looks to be a budget of missed opportunities and one that certainly lacks creativity. It is a real concern to me that this budget seeks to spend significant amounts of band-aid funding—in fact in excess of $78 million—in key areas in what can only be described as simply covering up three years of poor ministerial leadership, while not addressing a number of key concerns raised by the community sector over the last three years.

In brief what we see in this budget is $45 million allocated specifically to child protection over four years to fix a problem that should never have got this bad. This is on top of the government in the previous year stripping $3 million per annum from care and protection services for children in the ACT while, at the same time, the cost per substitute care day for carers increased considerably. Obviously I welcome the funding for child protection. However, $45 million is an extraordinary amount of money for one single issue. If I put it into context, the same amount would pay for the Commonwealth's entire primary health care initiative for indigenous Australians—released in the budget this week—and all three Commonwealth budget initiatives together for insulin pumps, after-hours GP clinics and cochlear implants.

I welcome the allocation but the point remains that this, reluctantly, seems like fix-up money to smooth over systemically poor ministerial leadership. It certainly is a case of catch-up funding which will simply meet the current level of need and demand. I also understand at this point that the recommendations of the Vardon report will be addressed separately. I await that report with interest and I will be talking about that later. Within

this budget we see the $33 million from Appropriation Bill 2003-2004 (No 3) allocated to the housing portfolio. This money is coming out of the housing home loan portfolio and at this stage it is unclear how the money will be spent—it just lists it in very general terms. Again it looks like catch-up money for an area which has lacked strong ministerial leadership.

I have a good reason for saying that. The budget papers show that this government has allowed Housing ACT to reduce plant equipment and property by 33 per cent. This is being done at the same time as we see severe public housing shortages, reduced housing affordability, a lack of creative housing policy and people on large waiting lists for housing allocations and transfers. Wasn't this going to be the government that would not cut the number of ACT housing properties? Here we are three years down the track and still no public housing for people other than the aged has been constructed on the former Burnie Court site. Other aspects of this budget also raise concerns. Indeed, let us look at the operating result for Housing ACT—budget paper 4, page 266. It says:

> …this target focuses on the financial performance for the year and measures the performance of resource utilisation, and in particular the success in managing revenues from User Charges—non government (rents) and major operational and administrative expenditure items.

Unfortunately it seems that Housing ACT is now in debt to the tune of $19.4 million. With an internal tenant satisfaction rate as low as 59 per cent, I call this poor service and totally unacceptable. Moreover, this budget shows maintenance costs for public housing targeted to blow out from $78 million to $80 million in 2003-04. Why? The same costs are estimated to blow out even further by an additional $4 million next year under the government. I again ask why. I thought that privatisation of housing maintenance should provide the ACT taxpayer with a reduction in cost, not $6 million of blowouts over two years.

With regard to the budget I would now like to turn to some specific areas; in particular, carers and more specifically foster carers. The allocation of $350,000 to foster carers in the budget whilst welcome is really a little bit lean and mean and seen by me and those in the community as welcome but merely a token gesture. Why? This government has missed a real opportunity to give a section of the community under enormous pressure a real boost, given that there had been no payment increases for foster carers between 1993 and January 2004. The money given to carers by this government on 1 January 2004 was very modest, having been aligned to CPI.

Foster carers have been told that the $350,000 allocation in the budget equates to a 15 per cent increase in payments. While this can be seen as a positive the government still has not addressed, for example, the systemic issues of roles and responsibility between substitute day carers and foster carers. The minister has today given no indication of when the payments will start. As far as I am concerned this is simply catch-up money and only a partial reimbursement of the real costs faced by foster carers in our community.

Let me turn to vocational education and training. The budget tells us what we already know—that, as a result of this government not signing to the ANTA contracts with the Commonwealth, vocational education in the ACT will lose over $2.536 million. Budget

paper 4 tells us that this decrease will "be directly passed onto CIT." This is completely unacceptable. VET in the ACT will undoubtedly, over a period of time, hurt as a direct result of the decisions made by this government.

I am extremely disappointed that the government has not provided additional funds to Volunteering ACT in the 2004-05 budget. It is disappointing that the organisation has not received the $100,000 funding per annum that it richly deserves. VACT desperately need to not only plan for the future but also, unlike the government, ensure that they are readily mobilised in the event of another major situation in Canberra requiring volunteering assistance. Indeed, Mary Porter has said in a statement today that she has called upon governments and academia to devote urgent resources to measure the true effect on service delivery of this phenomena in order that we are able to address this emerging crisis before it is too late.

With regard to Commonwealth grants the government cannot and should not complain about a lack of Commonwealth support for the Department of Education, Youth and Family Services. The budget papers show a massive 16 per cent estimated increase in Commonwealth grants to the ACT in the 2004-05 year. As I have previously said, I welcome a number of electorate-based initiatives contained in the budget, including the child and family centres in both Gungahlin and Tuggeranong; the incorporation of the Junction Youth Health Service into Civic Youth Centre—I am waiting to see the detail on that, as I know Ms Tucker is—the allocation of funding to Weston Creek child-care centre; the Yarralumla Nursery zero run-off water recycling program; funding for works at Phillip and Dickson health centres; and ongoing funding for the indigenous family support service in North Canberra. They are very welcome indeed. Two very good areas that I am glad to see some money going into are the expansion of the Child and Adolescent Mental Health Services, to provide an outreach service to the Gungahlin area, and the funding for the Children at Risk Assessment Unit, after-hours, agency growth funds.

My colleague, Mr Cornwell, may allude to this more but, unfortunately, Deakin shops once again hit the jackpot—they missed out—and I am quite concerned. If we look at the projected rollout of urban shopping centre upgrades, we see it has slowed down somewhat. There are many forward plans and designs sitting there ready and waiting to go but again we see, sadly, that the bushfires are being cited as an excuse for the lack of funding and consequent progress of works.

In conclusion, there are good aspects to the budget, as I have said, but there are a large number of lost opportunities and a real lack of innovative policy development and forward focus. Poor ministerial leadership over the last three years has resulted in such examples as $78 million of smoothing-over money being allocated to two key portfolio areas. This really is bad management—it is unacceptable. This government had a real opportunity to better meet the needs of the community. I do not believe this budget has done that.

MR CORNWELL (5.33): As my colleagues have demonstrated, this 2004-05 Labor government budget is very much akin to last year's budget in that it is characterised not only by more expenditure for lesser outcomes but again by talk but no action. This year's budget is actually a budget of omission, in that many sections of the community have missed out on much-needed support and funding. Once again we see that the government

has managed to fund a raft of vague programs, such as $335,000 allocated in 2004-05 by the Chief Minister's Department for an ethereal initiative entitled simply "Ageing". This is supposed to provide funding to, in the government's own words, "promote positive ageing". As I will demonstrate, there is not much in this year's budget for our ageing population to be positive about. One of the groups that have again missed out, predictably under Labor and the Treasurer, are the low income self-funded retirees. There is nothing in this budget for them.

Mr Quinlan: The low income people are okay; it is the wealthy ones who are missing out!

MR CORNWELL: I know the Treasurer will argue that government wishes to direct its funding "to those most in need"—the famous quote—but the low income self-funded retirees are certainly in as much need of financial assistance as are their pensioner counterparts. The government has seen fit to fund additional concessions for gas and electricity—

Mr Quinlan: I give you the hand-wringing prize for the Assembly—our resident hand-wringer!

MR CORNWELL:—in addition to the other widespread concessions afforded to pensioners to those whom it deems to be in need. Order please!

MR SPEAKER: Thank you, Mr Deputy Speaker—and about time too.

MR CORNWELL: Thank you, Mr Speaker. We have seen no commitment by the government—

Mrs Burke: They are getting away with it scot-free over there.

MR CORNWELL: Will you shut up? We have seen no commitment by the government to also extend those same concessions to low income self-funded retirees. It is interesting that even the new increase in gas and electricity concessions which is being offered to eligible households in 2004-05 will amount to a measly $23.15 a year. That is the equivalent of 44c a week—less than the cost of a postage stamp. It is an insult, and hardly a commitment for a Labor government to assist those most in need pensioners, or anyone else. Not only do low income self-funded retirees miss out on increased electricity and gas concessions, they are not offered the increased $305 per annum rebate cap on rates afforded to pensioners, veterans and gold card holders.

Let us look further at the aged-care sector. There is funding of $341,000 over four years for the continuation of a residential aged-care liaison nurse, after a previous successful pilot program. This funding is supposed to ensure the timely placement of aged-care patients from ACT public hospitals and the community into residential aged-care, a valuable initiative at first glance. However, the fundamental flaw in this initiative is that there is almost nowhere for this liaison officer to place aged-care patients. Where are they going to be placed? The ACT government has only recently admitted there are nearly 500 people waiting for high-level aged-care beds in the territory, and goodness knows how many hundreds more are waiting for low-care beds.

Mr Corbell has advised me in an answer to a question that that figure is yet to be established. Maybe this is what the liaison officer can do—count the waiting list. That is what it is for: the liaison officer can count the waiting list. As we know, of course, this government has done hardly anything to rectify the current crisis in aged care by ensuring that the 255 beds already funded by the Commonwealth can be built and therefore filled. In fact, the majority of these beds have been funded and housed two years ago.

Not for the first time do I cite the Little Company of Mary's unbuilt facility at Bruce as a major example of the ineptitude of this government to progress aged-care developments through the planning system in the ACT. Instead of helping to remove the hurdles confronting the approval of this urgently needed 100-bed 86-unit facility it seems more and more hurdles are continually being placed in its way, with no real assistance from the government at all. In fact, it was reported in the media over the weekend that there could be even further delays to prevent this project getting off the ground—perhaps another 18 months. This will make the project at least four years overdue.

It is one thing for the government to release and allocate land for future aged-care development but another to ensure they are not held up by bureaucratic red tape in the planning system. It is apparent that the long-term delays within the planning system are the major contributing factor to these aged-care beds not being housed, so it is good to see provided in the budget funding of $350,000 over two years for a reform of the planning system. Personally I think I could do it a lot cheaper. Again, however, it is too little too late for the aged-care system. We see nothing in the budget to show that there are going to be any radical improvements or funding specifically targeted at enhancing and fast-tracking development approvals for aged-care providers.

What else do we see in this year's budget for our ageing Canberrans? It is actually what we do not see that has the most impact on our community. There is no funding in this budget for the ACT government to provide matching funds for the Commonwealth's offer of reciprocal transport concessions for seniors. This should not be surprising, however, given that the Chief Minister has so far declined to sign the reciprocal transport agreement with the Commonwealth. Based on the lack of funding provided for this program in this budget or the out years, nor does he intend to take up, we presume, the Commonwealth's offer in the future.

Also missing in this budget is funding to provide for off-peak pensioner transport concessions to be allowed during peak hours. These are some of the most in need, Mr Treasurer. This was a 2001 ACT Labor Party election promise but it has not been fulfilled. Peak hour transport concessions are mentioned in the government's recently released sustainable transport plan but there is no timeframe or financial commitment in that plan for these concessions—just a one-line statement. So our seniors have been let down again. We must be thankful, however, that the Commonwealth government, at least, has continued its commitment to aged care with increased major spending announced in its 2004 budget.

In relation to the general population, in the urban services portfolio we see examples of increased expenditure for lesser outcomes and unfortunate omissions for much-needed funding. There is funding for the maintenance of community paths. An estimated

outcome for 2003-04 community path maintenance programs shows that 20,000 square metres of path maintenance was to be carried out for a cost of $2.7 million. That amounts to about $136 per square metre. However, in this 2004-05 budget, we see that 20,000 square metres of community path maintenance will be carried out at a cost of $3 million. This amounts to $150 a square metre—an increase in cost of $20, much greater than CPI, for the same number of square metres of community path maintenance.

Similarly, if we look at the municipal roads maintenance, we again see less for more. The estimated outcome for 2003 municipal road maintenance was 97 lane kilometres of planned maintenance at a cost of $58,146 per kilometre. In the 2004-05 budget, we see only 95 lane kilometres of planned maintenance at a cost of $69,514 per kilometre. This is two kilometres less of municipal road maintenance than the previous year and a whopping increase in cost of $11,386 per kilometre. Maybe it is Dick Whittington's roads of gold in London—I do not know.

This is clearly a government that is not committed to getting best value for their dollar for the community, or making effective use of taxpayers' funds. The other problem is, of course, that they just cannot get things done on time. In 2003-04, $1 million was provided for crime prevention street lighting, meant to be completed in June 2004. However, we see that this much-needed street lighting will not be completed until April 2005—a 10-month delay. Similarly, funding of $4 million was provided in the last budget for the Morshead Drive/Pialligo Avenue upgrade, to be completed in June 2004. This project in fact will not be completed until April 2005, another 10-month delay.

The refurbishment of Bible Lane was to be completed in December 2004; now it is June 2005. The Moore Street health building was to be completed in June 2004 and is now listed for May 2005. The final stage of the glassworks was to be completed by June 2004 and will not be finished until at least March 2006—maybe longer. These delays are not just on projects. We see that long delays have become acceptable for people queuing in government shopfronts. The average acceptable waiting time has jumped from seven minutes in 2003-04 to 12 minutes in 2004-05. The government says it is not able to achieve the seven minutes, despite the fact that shopfront services have supposedly improved and there is better access to internet-based transactions. This of course means that there is less need for customers to attend the shopfronts, effectively reducing the long queues. So why have the acceptable waiting times gone up? I do not know; it is a puzzle.

As Mrs Burke mentioned, the Deakin Shopping Centre promised by the Chief Minister in September 2002 for the Deakin Traders Association is still not being funded. It failed to appear in 2003-04; it has failed to be given any priority now, in 2004-05—another act of omission, or perhaps we can forget that one, too. I would, however, like to compliment the government on the funding of $14 million for the long-awaited Civic Library and linked facility. I will be keeping a very close eye on that to see that we do not have another slippage back a few more years.

I would also like to mention the Australian International Hotel School. I wish this government would make up its mind about the fate of the school. First they said it was to remain open; then they said it would close down; and now in the 2004-05 budget, budget paper 4 at page 369, it says that the government will continue to support the school with funding for operations listed in 2004-05 and continuing into the out years. In fact, the

statement of intent for the hotel school confirms that the government will continue financial support until December 2006 but with no firm decision, as yet, on whether to close the school or keep it open. Where then is this government's so-called commitment to making the best use of taxpayers' funds, and its accountability to the community?

I could go on citing examples of less for more, funding omissions and the indecision, as they are rampant right through this budget. However, it is a pattern that has been repeated throughout Labor's reign in the last two years. I believe that the financial position will become steadily worse in the out years if this pattern continues to be followed. Nevertheless, notwithstanding our many criticisms, we will not be opposing 2004-05 budget as a whole. It does contain some welcome initiatives and continued funding for valuable ongoing programs. Nevertheless, to ensure that our concerns about these sad omissions and increased expenditures have been placed on the public record, we will await the next 12 months with interest.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.48), in reply: At lunchtime today I was asked by one of the *Canberra Times* reporters what I thought the opposition leader would say about the budget. I said, "I think the opposition leader will get personal and will sling a few cliches around." Bingo.

I understand from what the Leader of the Opposition has said that he is a latecomer to Keynesian economics. We might try and have a little progression from economics through accounting to maths. He is talking about the additional expenditure of the territory and not really accounting for changes through time. If you look at the increase in CPI through the period he is talking about, you will see that we have something like a nine per cent increase. If you look at the size of Canberra, just population-wise, we have another three per cent increase, and we have an overall expenditure increase of about 18 per cent, making a net difference of about six per cent good solid growth under a good solid government.

Mr Smyth referred to the Actew dividend. I think he was complaining about it, but that would fit quite neatly, I would have thought, into his newfound Keynesian approach. Mr Smyth talked about tourism. Let me assure this place that all the figures show that tourism is doing better now than it has ever done, since it has been tidied up by this government and without the additional $3 million that we will put in over this year.

There have been some commentaries on the budget. Firstly, we had two public events close to the budget and at least the representatives of the business sector roundly complimented the budget. It received sevens. Seven out of 10 for a Labor budget from a property council: mate, that is gold. Just to put it in perspective—after Mr Smyth's erudite trip into economics, which he appears to have mastered in a very short space of time—I refer members to the *Australian Financial Review* of Wednesday, 5 May. It reads: "Canberra forges ahead with high-tech vision." Unfortunately, it starts by saying, "If the ACT Treasurer Ted Quinlan has his way, Canberra will be the next Cambridge…", his vision of a city. I think this particular learned newspaper accredits what is happening in Canberra to the government of the last three years. Secondly and more importantly, I would also like to relate to Mr Smyth in relation to his dissertation on deficits and what I do not know about them. I will give another quotation from the *Australian Financial Review*. This reads:

> "The ACT balance sheet is among the strongest of all the states because they've got a lot of cash and other assets and not much debt," Says Access Economics economist, Alan Tregilgas.
>
> "They can probably afford to run their budget in the red for several years before having any problems."

Excuse me, but I am likely to take their word for it over the newly found Keynesian expert. I do not really wish to go on too much. Mr Smyth talked about his creative Canberra. He left out this time around, when under pressure at a breakfast, that the government he would lead would invest in the fashion industry. That was a bit of lateral thinking. I think it was a case of not being able to think of much else if that be lateral thinking.

I also happen to have with me *Building a Creative Canberra*. "Creative Canberra" is a term used by the arts group in Canberra, isn't it?

Mr Wood: It is one of the terms—Canberra capital or country capital.

MR QUINLAN: That is a bit of plagiarism. Let us go on with the plagiarism. Involved in this paper as a source of information is the reference to ACIL Consulting, *Supplying and Supporting Defence: Promoting the ACT's Edge, 2002*. Where did that come from? That was one of the papers commissioned by this government in compiling its economic white paper. Good on you—plagiarism.

Mrs Dunne: Mr Speaker, I wish to raise a point of order. The accusation that someone is a plagiarist is a serious one. I need to make the point. It is not plagiarism if you quote somebody and acknowledge it. The minister should withdraw because he is attempting to undermine the character of the Leader of the Opposition. This is not plagiarism because it is acknowledged.

MR SPEAKER: It is a point of debate.

MR QUINLAN: Thank you Mr Speaker. I will admit that it was aimed at the character of the Leader of the Opposition. If I need to modify it, let me say that, maybe, seeing that the particular quote was acknowledged, it is not plagiarism but certainly the policy is. I have here three or four pages of what the government is doing right now in relation to the defence and security sector.

There are seminars; there have been 16 one-on-one business consultations with the ABL; and participation in industrial relations activities. We have regular meetings of the Capital Region Defence Industry Committee and we are working with some of the big names in ACT business who work with the defence industry. In fact we are building contacts across the globe to open doors for people involved in the defence industry in Canberra.

If you take together the Access Economics view of our bottom line management and our position and the *Australian Financial Review* assessment of the government's approach to building the economy, I think that what we have over there we do have. I can give credit to Mrs Dunne for her one contribution to this debate, when she said that imitation

is the sincerest form of flattery. We are flattered, thank you, Mrs Dunne. As we head towards October or later, we will be enumerating the commitments the Liberals have made. We will of course be publishing an assessment of the funds that they intend to spend.

Mr Smyth, by inference, is asking me to make a commitment into next year of no tax hikes. I am presuming that he is prepared to make that commitment straightaway. Mr Smyth was involved in the PAC review of revenue raising initiatives. What did that review come up with? Let me say not a lot. There was not a lot of lateral thinking there but he did endorse expanding land taxes and introducing green taxes. This is the chairman of the PAC. His recommendation was, "I have looked at revenues and my conclusion is the government should look at examining how to raise revenue." Good one!

Did that committee, or Mr Smyth, recommend any offsets against the taxes that he is going to levy? No. If anybody is on record as being a future tax man, it is Mr Brendan Smyth. I think I will remind people of that in the next few months as well! I thank members for their contribution and, as I said, I think the budget has received endorsement, not from everybody, but from major sectors—and it does have an independent assessment, of which I am very proud.

Question resolved in the affirmative.

Bill agreed to in principle.

Estimates 2004-2005—Select Committee
Reference

Motion (by **Mr Quinlan**), agreed to:

> That the Appropriation Bill 2004-2005 be referred to the Select Committee on Estimates 2004-2005.

Planning and Environment—Standing Committee
Report 31

MS DUNDAS (5.58): I present the following report:

> Planning and Environment—Standing Committee—Report 31—*Inquiry into the matter of the Karralika development and call in power of the Minister for Planning*, dated 12 May 2004, together with a copy of the extracts of the relevant minutes of proceedings.

An erratum is also attached. I seek leave to move a motion authorising the report for publication.

Leave granted.

MS DUNDAS: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

That the report be noted.

On 11 February this year the Assembly debated the proposed redevelopment of the Karralika therapeutic centre in Fadden. The outcome of that debate was that the planning and environment committee inquired into the redevelopment and the call-in powers of the Minister for Planning. The report I have presented today is the result of that inquiry.

The committee would like to emphasise to the Assembly and the community that the focus of this inquiry was on the planning issues in relation to the Karralika development and the consultation process, not the underpinning health questions, which were outside the committee's terms of reference. I stress that because there was an opportunity to blur these issues by saying that we do need these health facilities and we should make the planning processes fit, but the committee could not do that. We tried to focus solely on the planning processes and the community consultations around that.

I know that members of this Assembly are well aware of the issues that led to the establishment of this inquiry, but I would like to draw the attention of members to the history of this development, which the members of the committee found quite interesting. We believe that there were many opportunities between 2001, when this idea was first presented to the then Minister for Health, Michael Moore, and the proposal being supported in the 2003-04 budget and work actually beginning, for the proposal to be discussed with the community and for any problems identified to be addressed and resolved.

The committee believes that the process of community consultation should have commenced at the embryonic point of the redevelopment proposal in 2001. That would have avoided the spending of large amounts of government money on undertaking and completing the feasibility study, reaching the final sketch plan phase and lodging the development application.

Officers of the department of health indicated in evidence to the committee that it never crossed their minds at any time in the process of putting together the plans for the redevelopment that the residents around might be discomforted by it. It was a facility that had been there for some time and the internal consultation team was confident that it was a facility that would continue to be there. The department of health stated that it was not aware of any major issues between Karralika and the community. That may have been so, but the ensuing debate and the establishment of a community action group have shown that that simply was not the case and that more care should have been taken of the feelings of the community.

I draw the attention of members to recommendation 8. The committee recommended that the government and all of its agencies explore ways to involve the wider community during the contemplative stage of capital works projects before any work is undertaken

on feasibility studies, sketch plans and the indicative costs of a proposal so that these ongoing issues can be dealt with in the embryonic stages.

When we were examining the call-in powers of the Minister for Planning we were focusing on the use of regulation 12 of the land act, which refers to confidential services and special dwellings and enables developments to be called in, in the sense that the consultation process is truncated, when the minister determines that it is in the public interest for the development to be so considered.

A number of concerns were raised about the application of regulation 12 in this instance. I refer members to chapter 3 of the report. There was some concern about the interpretation of "residential" in regulation 12 because, if "residential" applies to the land policies that fall under the B1 residential land use policies in the territory plan, applying regulation 12 to the Karralika facility may not have been appropriate because the Karralika facility falls under a B4 community facility land use policy. The committee pointed out its concern that regulation 12 may then only be used for any purpose other than residential purposes consistent with the territory plan.

We concluded that the regulation is flawed in its wording or that there needs to be a territory plan variation for the site so that the area has a specific overlap. We went on to recommend that the Land (Planning and Environment) Act be reviewed and rewritten so that these concerns can be clarified for the interpretation and application of the regulations.

I will let other members speak to specific issues in the report, as I am sure they will want to do. I hope that members will find this report helpful in putting forward suggestions for consultation processes into the future so that we do not have again a situation such as the one that arose in Fadden and Macarthur. I stress that this is a city in which consultation on development is something that the community likes to have and it has been positive in the past but, because of the way that this process worked out, there is a lot of mistrust and a lot of concern in the community.

The committee believe that the history of this project clearly demonstrates a strong need for an improved system of preparing and prioritising capital works projects for approval to proceed in the ACT. We would like the next Assembly to consider providing a role for a public works committee in terms of scrutinising such government developments.

I would like to thank the other members of the committee and the secretary for the work that was done. This was a very complex matter and we did have to keep reminding ourselves of the need to focus on the planning issues and not get caught up in all the peripheral events that were going on. I believe that the committee handled the issues raised confidently. We have produced a report that should provide some advice to the government and to this Assembly in terms of improving consultation mechanisms in the territory. I commend this report to the Assembly.

MR HARGREAVES (6.07): Members of the Assembly should note that the whole process has started afresh and there is now a completely different ball game. This report is, in fact, an exercise in history and bright people actually learn lessons from history. There are constructive suggestions contained within this report. I think that it encapsulates the position of the community reasonably well. I would commend the report

to the community and congratulate members of the community on coming forward and saying to us what they were saying amongst themselves.

MRS DUNNE (6.07): Mr Speaker, this report is a cautionary tale—I knew a boy named Simon, et cetera—and a tale of mistrust, incompetence and the undermining of the community. The undermined of the community was not just of the trust of the residents of Fadden and Macarthur, but also of the status of Karralika and the work that it does. The real problem is that, in a ham-fisted attempt to maintain the confidentiality of Karralika, the reverse has resulted. In many ways, Karralika has been held out there in a way that is inappropriate, which goes to show that, if you are not open with the community, it will come back and bite you.

There are a number of issues in this report that need to be raised here. There are some good recommendations that I heartily endorse. The need for this Assembly to have a public works committee is something that the planning and environment committee has been considering for some time. There is no scrutiny of capital works by this Assembly, apart from looking at the list in the budget from time to time, and we have no expertise in actually looking at them and saying whether they are good value for money. One of the things that became apparent to us—it may not have solved the problem—was that if we had had a public works committee looking at this project after it came out of the budget last year some of these problems could have been nipped in the bud.

That might be being optimistic because most of the decisions were made before the budget was brought down last year. The preliminary drawings were done and everyone had a fair idea what was happening before the budget was brought down, but no-one told the community. It resonates a little bit: no-one told the community on 18 January, either. But there are some real problems here. There are some serious flaws in the administrative process in the way that public servants and officials have done their job here.

The one that is the most spectacular—at the time, one of the members said that they were gobsmacked by this—is that the chief executive of ACT Health said in the discussion with the committee on the application of regulation 12 that he:

> …hadn't read that particular regulation, but I had an understanding from this brief. I had no reason to doubt my officer's familiarity with the relevant legislation.

The people who were advising the Minister for Health and Minister for Planning on the application of regulation 12 had not read regulation 12. The person who signed off the brief had not read regulation 12. Mr Speaker, I think that this was a fundamental failing on the part of officers who advise the executive, and the executive needs to do something about it. We have, in fact, made a recommendation that it is the responsibility of government to impress on the chief executives that, prior to giving advice, they familiarise themselves with the relevant legislation. I think that that is a searing indictment of the level of public administration in the ACT and it needs to be stopped now.

There are some very important things in this report. In many ways, this report should never have happened; we would not be here today tabling this report if we had as a community, as an Assembly and as a group of legislators taken people into our

confidence. Can we please learn that it is better to be open and up front, tell people what is going on and let them have their say, rather than giving them the impression that they are going to bulldozed or that they are not even going to be listened to, as was the case in this instance? There is a great deal of ill-will and there are hurt feelings out there that this government has to remedy.

MRS CROSS (6.12): Mr Speaker, I am not going to go over all the points that were covered by Ms Dundas and Mrs Dunne, but a couple need to be repeated. I do want to make just one point clear about this whole process. It was inevitably going to go off the rails once the decision was taken to deny appropriate consultation with those people in the community who would be most affected by this development. This committee's inquiry reinforced the fact that the process was less than transparent, and that did get people's backs up.

Of even greater concern—Mrs Dunne has touched on this—was the fact that, according to the evidence given to this committee, those who recommended that the minister use regulation 12 had not even read the regulation, which was a shock to most of the members of this committee. For me, it was disappointing to see the reaction of some members who appeared angry that KAG dare challenge this matter. The argument that was put forward by the community against the flawed consultation process was thorough, impressive and to the point.

I must say that at one point we were entertained by the jelly baby incident, where the Karralika Action Group brought in five huge bags of jelly babies representing 5,000 residents and another bag of 60 that represented the other side of the argument. They were offered to us but, quite rightly, we said, "No, give them to the hospital." The jelly baby incident will go down in history as one of the most entertaining ways of presenting a representation of residents in a community.

I found the minister's frequent disparagement of KAG during the inquiry to be unjustifiable and, frankly, unfair. It did appear to be a little bit of buck-passing, which was not fair and disappointing from a minister. I found KAG to be one of the most impressive people power lobby groups I had ever seen, not just in my time in this Assembly but in my time generally, in my adult life. I found the people to be a great cross-section of the community—of professions, generally of high intellectual capacity, very articulate and concise. They knew exactly what they were saying. They were not people that we would call fundamentalists or zealots. They were reasonable and all they wanted was to be treated in a fair way, but they were not.

I am cautious as to where the government will go from here. The minister did indicate during the inquiry that he may put together an advisory committee. I am sceptical about such a move. The reason that I am sceptical about such a move is not that an advisory committee in general would not be a good thing from a consultative point of view. It is that I have become rather cynical from my experience in that it could be stacked against the Karralika Action Group, depending on who is represented on that committee. Sometimes, from what I have seen, we tend to stack committees to show the community that we care, but at the end of the day we are doing it because we already have a result that we want. I have some concerns. I do not want that to be the case, but I am concerned, I am cautious.

The Fadden and Macarthur residents were the ones most directly affected by this redevelopment and have been the ones that have been most let down. I need to remind members that I tabled, I think, two petitions in this place with more than 1,300 signatures that were gathered in less than 10 days. This action group took less than two weeks to get those signatures and they were not just of people that were from that area; they were from a cross-section of electorates in this territory.

They were protesting against what they felt was an arrogant, contemptuous approach by the planning regime regarding consultation or lack thereof. They were not protesting against the facility, which was used as a red herring quite often in this inquiry. We had lots of comments, not only by the minister but also by others, about being committed to drug rehabilitation and looking after those that are less advantaged in the community. That was never an issue for the residents of Macarthur and Fadden. That was used as a red herring. It was an unfair statement to make and I need to reinforce in this place that that was never the issue. It was about the flawed consultative process.

I commend the report to the Assembly. The committee worked very hard to come up with this report before the deadline set, given that it had a number of other reports it was working on concurrently, and I thank members for doing so.

MR CORBELL (Minister for Health and Minister for Planning) (6.17): Mr Speaker, the government will note very carefully the recommendations of this report. I do want to correct one thing, aside from the cheap shot that Mrs Dunne took in her allegation about advanced warning, which was just a continuation of the sniping we hear from the opposition on that matter.

A number of members made the point that the chief executive officer of ACT Health had not read regulation 12 under the land act. It is worth noting that the third paragraph above that quote at page 20 of the committee's report reads:

> The Committee notes that it was ACTPLA in its brief to the Minister for Planning on 26 December 2003 who recommended to the minister that "it is appropriate for the application to extend the Karralika residential drug and alcohol facility to be exempted from public notification…"

It was not the role of ACT Health to recommend that it be exempted, and the committee notes that; it was the role of ACTPLA to make such a recommendation on the application of the act. Health made the request, but ACTPLA made the recommendation to me. I think, with all due respect, that Dr Sherbon has been seriously maligned, which is unfortunate.

Aside from anything else, Mr Speaker, anyone who has held a position of some responsibility would appreciate that you rely on the advice that people working for you provide. You cannot, in any physical or human way, be across every level of detail. Even if it were ACT Health's role to recommend it—the committee acknowledges on the same page that it was not—it would be, I think, quite unreasonable to say that the chief executive should have read that particular regulation. It is entirely reasonable for the chief executive of the department to rely on the advice of his officers in making an assessment as to whether it is an appropriate course of action.

That said, the government obviously will closely scrutinise this report and will respond to it as soon as possible. I should flag to members that the government is embarking on a new process in relation to Karralika. Now that the committee has reported, I will be making an announcement soon on what that process will be. I look forward to that process allowing us to proceed with very valuable facilities for drug rehabilitation in the ACT.

Debate (on motion by **Mr Stefaniak)** adjourned to the next sitting.

Health—Standing Committee
Statement by chair

MS TUCKER: I seek leave to make a statement regarding a new inquiry.

Leave granted.

MS TUCKER: The Standing Committee on Health has resolved to conduct an inquiry into and report on the availability of specialist health care services—dental, counselling, podiatry, et cetera—to people in residential aged care. I realise that we are coming to the end of the term of this Assembly, but the committee is interested in doing so and thinks that it could be a useful analysis of the availability of these services to people in residential aged care. Obviously, a reasonably tight timeframe will be imposed on us to do this work, but we are confident that we can and that it will be useful.

Postponement of orders of the day

Ordered that orders of the day Nos 1 and 2, executive business, relating to the Electoral Amendment Bill 2003 and the Appropriation Bill 2003-2004 (No 3), be postponed until a later hour this day.

Road Transport (General) Amendment Bill 2003

Debate resumed from 11 December 2003, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MRS DUNNE (6.23): The opposition is agreeing to this bill.

MS DUNDAS (6.23): Mr Speaker, the Democrats will be supporting this bill, although we believe that it creates a further anomaly in the law. It tightens a loophole in the issuing of infringement notices and makes it easier for the Road Transport Authority to collect revenue. However, it shifts the burden of proof from the plaintiff to the defendant. We have a fundamental tenet underpinning our common law system in relation to being innocent until proven guilty and it is up to the enforcement agencies to prove someone's guilt, but we seem to be reversing the onus of proof in this instance.

Given the relatively easy nature of proving that an offence has been committed and the disproportionate difficulty in proving who committed the offence, I do accept the notion that vehicle owners have to accept the responsibility in terms of the defences laid out in

the bill. Vehicle owners have a responsibility to keep their vehicle roadworthy and, likewise ,have a responsibility to report it stolen, know where it is or who is driving it. That is why the Democrats will be supporting this bill.

MRS CROSS (6.24): This still independent member is happy to support this bill.

MS TUCKER (6.24): This amendment does shift the onus to the owner of the vehicle to establish that he or she was not driving the car at the time of the offence and is consistent with the other sections of the act that provide the circumstances for a defence. It sounds like a reasonable amendment to bring this section of the act into line with the appeals process for the issuing of other infringement notices.

The person who was last recorded as owning or registering a vehicle should be the first contact for tracing the offence and would be in a position to establish whether someone else was driving at the time of the offence. I have to make comment on the shifting of the onus of proof as well, but will support this amendment because, as I understand it, it is not shifting it significantly.

MR WOOD (6.25), in reply: I thank members for their support. The anomaly in this legislation is now being removed and we can administer justice in the way that we would always expect it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Paper

Mr Speaker presented the following paper:

> Study Trip—Report with attachments by Mr Bill Stefaniak, MLA—New Zealand Accident Compensation Scheme—New Zealand, January 2004.

Sitting suspended from 6.26 to 8.00 pm.

Suspension of standing order 76

Motion (by **Mr Hargreaves**) agreed to:

> That standing order 76 be suspended for the remainder of this sitting.

Homelessness strategy
Paper and statement by minister

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and

Heritage) (8.02): Mr Speaker, for the information of members, I present the following paper:

Homelessness Strategy—*Breaking the cycle*, dated April 2004.

I ask for leave to make a statement.

Leave granted.

MR WOOD: Mr Speaker, it is my pleasure today to table the ACT homelessness strategy, a document we have called *Breaking the cycle*. It forms part of the overarching Canberra social plan with its core principles of access, equity and participation. It reflects the government's commitment to tackle this very serious community issue in a comprehensive and sustainable way. The strategy provides a set of 82 practical actions over the next four years to reduce the incidence of homelessness in the territory. It outlines a range of measures to assist and support people who are at risk of homelessness.

There was extensive consultation at all stages of the strategy's development, commencing with the formation of the 20-member Homelessness Advisory Group in June 2002. This strategy had the input of some 240 people in the community sector, as well as 144 people who had experienced, or were at risk of, homelessness.

The government initially commissioned the ACT Council of Social Service to undertake a needs analysis to gauge the nature and extent of homelessness in the territory. This analysis and other research acquired during the strategy's development indicated a fundamental change in the nature of homelessness.

In the 1960s, the homeless population predominately comprised middle aged and older men. In 2001, 46 per cent of homeless people lived in supported accommodation, improvised dwellings or on the street, and they were aged 12 to 24 years. And 11 per cent were children under 12, ostensibly living with their parents. The old stereotypes of homelessness no longer fit. We now see children returning to refuges as adults. This is a situation that is totally unacceptable to the government. We must, with the support of the community, break this cycle of disadvantage.

The homelessness strategy recognises that most people are not homeless by choice. Homelessness increasingly occurs in the context of a complex set of circumstances. It affects men, women and children from all economic and cultural backgrounds in circumstances that include domestic violence, mental health issues, breakdown of family support, substance misuse, unemployment, sexual abuse and problem gambling. Solutions to homelessness clearly involve more than just a provision of secure accommodation. People who are homeless or at risk of homelessness have individual needs and these require coordinated, timely and appropriate support. This requires strong collaborative partnerships between the government and community agencies that plan, fund, administer and deliver services.

Members will be aware that the government has underpinned this strategy with a special budget allocation of $13.4 million specifically to target the causes and effects of homelessness. We have also committed a one-off allocation of $33 million in extra

funding for public and community housing. The strategy and the funding that supports it provide us with an unprecedented opportunity to address this complex challenge in a way that is both practical and durable.

The 82 actions defined in the strategy include the provision of additional crisis, medium and longer term accommodation to support single women, families, couples and single men, including those involved in the criminal justice system; increased public and community housing; improved access to service support; support to tenants to maintain their tenancy; increased outreach support services; and funding for research into homelessness. The actions are built around four principal themes: integrated and effective service responses; client focus and client outcomes; access to appropriate housing and housing assistance; and supporting and driving innovation and excellence.

It's essential that we provide integrated and effective services to the homeless or those at risk of homelessness, focusing on prevention and early intervention. We must ensure the rights of people who are homeless are recognised and respected. In this regard, we will develop a charter of rights and a service provider code of conduct. Services must be squarely client focused and geared to client need. The strategy acknowledges the requirement for enhanced service systems for more complex client groups.

Theme three highlights the importance of access to appropriate housing and housing assistance. It outlines priorities in relation to crisis and longer term supported accommodation. Specific strategies are defined for groups requiring priority attention, as well as to assist people locate and maintain appropriate accommodation. The strategy also underscores the fundamental importance of innovation and excellence. It demands quality services supported by evidence-based decision-making that are able to respond to the changing needs of people who are homeless or at risk of homelessness. The sector's workforce must be able to adapt to changing needs and requirements. The plan of action outlined in the strategy sets out responsibilities, targets and appropriate timelines for delivery.

The homelessness committee, comprising government and community representatives, will be established to directly oversee and drive its implementation. The Chief Executive of the Department of Disability, Housing and Community Services is chair. The committee will report to government and the Assembly every six months about the progress.

Breaking the cycle, the *s*trategy, is a blueprint for change; it's about partnership, integrating the services of government and the community sector; it is about attitudes and expectations, being clear about what we want for our children, our young people and our community.

Before concluding, the severe impact of homelessness on Aboriginal and Torres Strait Islander people must be acknowledged. An Aboriginal and Torres Strait Islander reference group assisted the strategy, providing invaluable advice on the specific needs of this community and the shortcomings in current service provision. We will continue to work in partnership with the Aboriginal and Torres Strait Islander representatives to ensure the strategy delivers the right outcomes.

I thank the many hundreds of people who have committed their time and energy to developing this historic document. For the first time we have a truly integrated and planned response to this complex issue. The actions specified and the outcomes demanded will ensure its value not only to people affected by homelessness but to the health of the community as a whole.

I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting

Bushfire Recovery Centre
Paper and statement by minister

MR STANHOPE: (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, I am pleased to table today the government response to the Assembly motion regarding transitional arrangements for bushfire recovery services. I present the following paper:

> Bushfire Recovery Centre—Report on the progress of Bushfire recovery services transitional arrangements, dated 6 May 2004, pursuant to the resolution of the Assembly of 10 March 2004.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, on 10 March 2004, the Legislative Assembly passed the following motion:

> That this Assembly notes the considerable contribution made by the Bushfire Recovery Centre to bushfire survivors and the Canberra community and calls on the Government to:
> (1) continue to provide the services of the Recovery Centre in a form that is visible and easily accessible to the clients of the Centre;
> (2) continue to properly and extensively consult with bushfire survivors and other stakeholders on their future needs;
> (3) engage in a process of closure that is positive to the clients of the Centre; and
> (4) report to the Assembly by the last sitting day of May on the results of the consultation and proposed future arrangements for bushfire recovery services.

Mr Speaker, the bushfire recovery effort undertaken by this government in partnership with the community has been outstanding, and the management of this current phase has been handled with the same professionalism exhibited throughout 2003. Every household still needing support services has access to these services, and they can choose whether they want these services from the community support agencies in their community or from recovery workers in the Bushfire Support Unit.

The government continues to provide the services of the recovery centre in a form that is visible and easily accessible to the clients of the centre. Of course we were all sad to see the doors to the recovery centre close; it's been such a source of comfort and support. But members will be pleased to hear that people who need assistance are locating that assistance in their communities or from the Bushfire Support Unit established in my department on 5 April.

The Bushfire Support Unit staff were all formerly involved in the provision of bushfire recovery services. The unit is managed by Chris Healy, who has been the Director of Community Support for the Bushfire Recovery Taskforce since February 2003. The unit consists of six equivalent full-time staff, all of whom are skilled professionals experienced in the recovery program. Staffing arrangements will continue to adapt to service needs during the remainder of this year.

The report on the progress of bushfire recovery service transitional arrangements indicates that services provided at the recovery centre have been successfully transferred to the Bushfire Support Unit. Concerns held by some members of the Assembly that bushfire-affected people would not find the unit have not been realised.

On 30 March 2004, the recovery centre invited all its clients to an open house. Around 100 community members attended to thank recovery workers, view the recovery story display and discuss future support arrangements. The centre received many messages of thanks and best wishes over its final weeks. The open house event allowed a transition and closure process which was positive for many clients in attendance.

The Bushfire Support Unit commenced operation on Monday, 5 April and is located on the ground floor of the ActewAGL building on London Circuit. This location was widely advertised in the special bushfire recovery advertisements each Saturday in the *Canberra Times* and in *Community Update*.

The report I'm tabling today was to be tabled on 6 May, the last scheduled sitting day in May. By late April, as the report indicates, 80 bushfire affected people had contacted the Bushfire Support Unit seeking information, support or assistance. A total of 144 bushfire-affected people have now been in contact with recovery workers at the unit. Recovery workers will continue to respond to all requests for assistance and will continue to work in partnership with community agencies to support bushfire-affected households. The unit is paying special attention to those households still working through rebuilding options, the rural communities and those still struggling with the emotional impacts of the fires. One bushfire recovery worker for the support unit is based at the ACT Planning and Land Authority, working with ACTPLA staff to assist households through the complexities of rebuilding.

Counselling services remain in place. ACT Health and Relationships Australia are continuing to provide specialist bushfire recovery counselling information to health service locations at Phillip Health Centre and Civic. Appointments are made through the Bushfire Support Unit.

The Bushfire Support Unit is maintaining regular contact with the residents groups from each of the affected areas and with the Community and Expert Reference Group. The

Bushfire Support Unit will maintain regular contact with the residents and community groups to keep up knowledge of current issues and current needs in the community.

As I indicated in the report I'm tabling today, the strategy we have put in place seems to have been well communicated and is providing support needed by those in our community who still require bushfire-related information and services. It's reassuring that the reaction we're getting from bushfire-affected households when they make contact with the Bushfire Support Unit is very positive. People are relieved that support is readily available. They do not seem to expect that we should have kept the recovery centre open but they are pleased that they can still talk to people who understand their particular experience.

From the beginning of the recovery process the government has accorded the highest priority to assisting people directly impacted by the fires with information services and support. As I stated in the Assembly when we considered this motion on 10 March, the government will continue to carefully monitor and respond to bushfire service needs. The issue of transferring or mainstreaming some of the recovery services will continually need fine-tuning.

I'm pleased, Mr Speaker, to table this report on the successful transition of services from the Lyons recovery centre. I encourage Assembly members to contact the Bushfire Support Unit should they need information or feel that particular community members would benefit from contacting the bushfire recovery team in my department.

Biodiversity—protection in new suburbs
Statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): On 3 March 2004, the Assembly passed a resolution on biodiversity protection in new suburbs requiring the government to ensure that cats are permanently confined to their owners' premises in the new suburbs of Forde and Bonner. In response, I'm pleased to advise that this wonderful initiative is being implemented for the development of these two new suburbs, which will enable the protection of the—

MR SPEAKER: We haven't got the paper.

MR STANHOPE: It's just a report. I don't have a paper on this.

MR SPEAKER: You'll need leave to make a statement.

MR STANHOPE: I seek leave to make a statement on cats.

Leave granted.

MR STANHOPE: In response, I'm pleased to advise that this wonderful initiative is being implemented for the development of these two new suburbs, which will enable the protection of the susceptible fauna in the Mulligans Flat and Goorooyarroo nature reserves.

The Mulligans Flat and Goorooyarroo nature reserves contain outstanding ecological and conservation values and a great diversity of native wildlife. Of particular concern are the small populations of two resident bird species, namely, the hooded robin and the brown tree creeper. These species are threatened. Other woodland birds are also known to be in decline. These nature reserves provide an important refuge for woodland species generally and they warrant a high level of protection. Introducing measures to keep cats away from these woodlands habitats will reduce the impacts from urban encroachment.

However, this initiative should not just be seen as a win purely for conservation. The benefits that are afforded to cat owners are also great. The provision of an environment for cats that is safe and secure will have positive outcomes for cat lovers. No longer will residents who choose to own cats in Forde and Bonner have to dread facing the extended absence of their pet with a fear that they've been injured or met an unfortunate end. Owners of cats who choose to live in Forde and Bonner will also notice a decrease in the rate of abscesses or other injuries and disease that can occur when their pets are involved in fights with other cats.

There are also benefits to non-cat owners. Problems connected with unwanted animals trespassing—and I'm happy to tell you that's a major problem I suffer—fouling, fighting and hunting will be managed to a much better degree. This measure should be seen as a win for conservation, a win for cat lovers and a win for everybody who chooses to live in these two suburbs. Presently actions are being undertaken to give effect to the Assembly motion to ensure that cats are permanently confined to premises, either indoors or in outside cat enclosures.

To give statutory effect to the motion, the suburbs of Ford and Bonner and the Mulligans Flat and Goorooyarroo nature reserves will be declared an area where cats must be permanently confined to their keepers' or carers' premises. The Domestic Animals Act 2000 provides for such a declaration.

An information package relating to the cat confinement requirements is being prepared, to be issued with the initial land sale documents. A continuing education program will be developed to ensure that the initial residents and all future residents of these suburbs are aware of their responsibilities to permanently confine their cats.

In addition to declaring an area under the Domestic Animals Act 2000, some minor technical amendments will be drafted in relation to the Domestic Animal Regulations to ensure that appropriate penalties will be in place to lend weight and authority to any non-compliance issues.

Other policy matters are being addressed to ensure a comprehensive response to the Assembly motion. These include operational procedures associated with the trapping and holding of wandering cats should there be a need to take action in this area. The Animal Welfare Advisory Committee provides advice to me on matters pertaining to animal welfare. The committee will be revising the requirements relating to cat enclosures within the code of practice for the welfare of cats in the ACT to ensure that appropriate minimum-space requirements are in place for permanently keeping of cats in outdoor enclosures.

In preparing to implement the Assembly motion, the government will be consulting across all agencies with relevant responsibilities and with community stakeholders to ensure the response is comprehensive, effective and timely. I ask members to note the actions being undertaken by the government to implement the permanent cat confinement policies in Forde and Bonner.

Estimates 2003-2004 (No 3)—Select Committee
Report—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (8.21): For the information of members, I present the following paper:

> Estimates 2003-2004 (No 3)—Select Committee—*Appropriation Bill 2003-04 (No 3)*—Government response, dated May 2004.

I move:

> That the Assembly takes note of the paper.

Mr Speaker, I present the government's response to the report of the Select Committee of Estimates on the inquiry into the Appropriation Bill 2003-04 (No 3). I thank the committee for the work that they have done in examination of this bill, for the preparation of their report and for their support for the majority of the bill.

Mr Speaker, this appropriation bill was very significant both in size and positive impact it will have on the lives of Canberrans. The achievement of joint community and government vision, documented within the Canberra plan and its sub-plans, will receive the necessary kick-start to see Canberra well on the way to a better future.

In addition, the appropriation allows the government to fund wage negotiations that will place the ACT in a highly competitive position for the labour resources within Canberra. This appropriation will provide for fair and reasonable employment conditions and, finally, address the inferior pay offered by the previous government. Mr Speaker, most importantly, many disadvantaged Canberrans will significantly benefit from the additional services provided by the appropriation, including those that are homeless, disabled and our youth.

Turning to the report: I note, with regret, that the committee has recommended not to support the purchase of Phillip oval. Mr Speaker, I was also surprised by the lack of commercial understanding and good-government practice that was displayed by the committee during proceedings and within the report, especially as that relates to commercial negotiations and the use of various funding vehicles available to government. I've expanded on these comments in the government's response. I commend the response to the Assembly.

Question resolved in the affirmative.

Papers

Mr Quinlan presented the following papers:

> Financial Management Act, pursuant to section 26 (3)—Consolidated Financial Management Report for the financial quarter and year-to-date ending 31 March 2004.
> 2003-04 Capital Works Program—Progress report—December quarter.
> Independent Competition and Regulatory Commission—Report 8 of 2004—Final report and price direction—Investigation into prices for water and wastewater services in the ACT, dated 31 March 2004.

Board of Inquiry into Disability Services
Paper and statement by minister

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage): I present the following paper:

> Inquiries Act—Board of Inquiry into Disability Services—Implementation of the Government response to the recommendations of the report of the Board of Inquiry into Disability Services—Third six monthly report, dated May 2004.

I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 7 on page 2116.

Papers

Mr Wood presented the following papers:

> Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly Report for the second quarter 2003-2004—1 October to 31 December 2003.
> Annual Report (Government Agencies) Act, pursuant to section 13—Canberra Institute of Technology—Annual Report 2003, dated 11 March 2004.
> University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2003, including financial statements, dated April 2004.
> National Environment Protection Council—Annual report 2002-2003—Erratum.
>
> **Subordinate legislation (including explanatory statements unless otherwise stated)**
> Legislation Act, pursuant to section 64—
> Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Donor Form 2004—Disallowable Instrument DI2004-57 (LR, 30 April 2004).
> Commissioner for the Environment Act—Commissioner for the Environment Appointment 2004 (No 1)—Disallowable Instrument DI2004-53 (LR, 30 April 2004).

Public Place Names Act—Public Place Names (Watson) Determination 2004 (No 1)—Disallowable Instrument DI2004-67 (LR, 6 May 2004).
Public Sector Management Act—Public Sector Management Amendment Standard 2004 (No 5)—Disallowable Instrument DI2004-65 (LR, 4 May 2004).
Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 6)—Disallowable Instrument DI2004-68 (LR, 6 May 2004).
Supreme Court Act—Supreme Court Amendment Rules 2004 (No 2)—Subordinate Law SL2004-11 (LR, 22 April 2004).

Mr Corbell presented the following papers:

Mental Health ACT—
Response to recommendation on the Ms K LaRoche and Mr R Mann Report: The review of the design and operational practice in the Psychiatric Services Unit at the Canberra Hospital—Progress report, dated April 2004.
Response to recommendations on the Community and Health Complaints Commissioner, Mr K Patterson Report: The investigation into risk of harm to clients of mental health services, dated March 2004.

Exercise of call-in powers—block 1, section 13, Gungahlin

MR CORBELL (Minister for Health and Minister for Planning): I present the following paper:

Land (Planning and Environment) Act, pursuant to section 229B (7)—Statement regarding exercise of call-in powers—Development application No 200309662—Block 1, section 13, Gungahlin, dated 1 April 2004.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, on 30 January this year, I directed, under section 229A of the Land (Planning and Environment) Act 1991, that the ACT Planning and Land Authority refer to me development application No 200309662. This notifiable instrument was notified on the ACT Legislation Register.

On 1 April 2004, I approved the application, using my powers under section 229B of the land act. The application sought an approval for the construction of a mixed-use building incorporating commercial, retail, including a Coles supermarket, and residential uses on block 1 section 13 Gungahlin.

In deciding the application, I gave careful consideration to the provision of ground-floor residential units fronting Gungahlin Place and East Street. I have imposed conditions on the approval that require a number of these units to be commercial while the rest are to be easily converted into a fully commercial unit. This proposal is consistent with the requirements of the territory plan. It will provide for activities at street frontage level which will contribute to community safety, vitality and social interaction and it will provide flexibility for change over time.

I have used my call-in powers in this instance because I consider the proposal to have a substantial effect on the achievement of objectives of the territory plan in respect of town centres. The particular criteria in the land act, subsection 229B (2) is:

> The Minister may consider the application if, in the Minister's opinion—
>
> the application seeks approval for development that may have a substantial effect on the achievement or development of objectives of the Territory Plan.

This proposal significantly contributes to the mix of land uses including residential uses which contribute to an active and diverse character in the Gungahlin Town Centre. The proposal also maintains and enhances the environmental amenity while achieving a standard of urban design consistent with the function of the centre.

Section 229B of the land act specifies that, if I decide an application, I must table a statement in the Assembly within three sitting days of the decision. Mr Speaker, as required by the act and for the benefit of members, the statement I have tabled provides a description of the development, the details of the land where the development is proposed to take place, the name of the applicant, details of my decision and grounds for the decision. With the statement I have also tabled the comments of the ACT Planning and Land Council on this matter.

Exercise of call-in powers—block 1, section 14, Gungahlin
Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 229B (7)—Statement regarding exercise of call-in powers—Development application No 200400009—Block 1, section 14, Gungahlin, dated 1 April 2004.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, on 26 March this year I directed, under section 229A of the Land (Planning and Environment) Act, that the ACT Planning and Land Authority refer to me development application No 200400009. This notifiable instrument was notified on the ACT Legislation Register.

On 6 May, I approved the application using my powers under section 229B of the land act. The application sought approval for the construction of a mixed-use building including commercial, retail (including a Big W store) and residential uses on section 14 Gungahlin.

In deciding the application, I gave careful consideration to the provision of ground-floor residential units fronting Gungahlin Place and Gozzard Street. I have imposed conditions on the approval that require a number of these units to be commercial while the rest would be easily convertible to a fully commercial unit. This proposal is consistent with

the requirements of the Territory plan. It will provide for activities at street level which will contribute to community safety, vitality and social interaction, as well as for flexibility over time.

I have used my call-in powers in this instance because I consider the proposal to have a substantial effect on the achievement of the objectives of the Territory plan in respect to town centres. The particular criteria are in the land act at subsection 229B (2).

The proposal significantly contributes to the mix of land uses, including residential uses, which contribute to an active and diverse character. The proposal also maintains and enhances the environmental amenity while achieving a high standard of urban design consistent with the function of the centre.

Section 229B of the act specifies that, if I decide an application, I must table a statement to the Legislative Assembly within three sitting days of the decision. As required by the act and for the benefit of members, the statement I have provided includes a description of the development, details of the land where the development is proposed to take place, the name of the applicant, details of my decision and grounds for the decision. With the statement I have also tabled the comments of the ACT Planning and Land Council on this matter.

Land supply
Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): For the information of members, I present the following paper:

> Residential, commercial and community land supply strategy—2004-2005 to 2008-2009.

I seek leave to make a statement.

Leave granted.

MR CORBELL: I am pleased to table today details of the government's land supply strategy for 2004-05 to 2008-09. The strategy is a key mechanism in implementing the Canberra plan. The strategy assists in delivering a more sustainable city by focusing development in Civic and the town centres, providing housing choice, promoting housing affordability, and responding to the needs of an ageing population through the provision of suitable accommodation. The strategy also aims to ensure that the community's needs for land are met and that infrastructure provision is efficiently coordinated. Consistent with strategies in the spatial plan, the city west master plan and the economic white paper, the strategy identifies residential and commercial release in Civic, the town centres and at Kingston foreshore.

Mr Speaker, in particular the strategy focuses on reinforcing Civic as the city's central business district through the release of major sites for office and residential development. The government is committed to ensuring Civic is Canberra's dynamic hub. These releases will increase the vitality of Civic by increasing day and night time population in this centre. This will support a wider range of businesses, services and entertainment

facilities. The several major office site releases identified will enable Civic to strongly compete with recent and current activity in places like Barton and the airport, and in doing so contribute to a more sustainable city.

Mr Speaker, the ongoing demand for greenfields residential land will be met by releases, predominantly in Gungahlin. To improve housing affordability, sites for 100 dwellings per year will be identified in greenfields land releases each year to be sold through restricted ballots to moderate income earners seeking entry into first home ownership and for affordable housing providers. In addition, Mr Speaker, this progressive move will also allow ACT Housing to purchase some 20 to 60 blocks per year at similar prices.

Consistent with the government's policies, Mr Speaker, in building for our ageing, community sites have been identified at Bruce, Belconnen, Gordon, Nicholls, Greenway and Monash to meet demand for high-care and low-care accommodation over the next five years. A proactive approach will continue to be undertaken in responding to the needs of an ageing community, and further sites will be identified to ensure that the needs of our senior citizens are met in a timely way.

The emerging need, Mr Speaker, for more bulky goods retailing space will also be met with the progressive release of sites at the Newcastle Street/Canberra Avenue corner at Fyshwick and in the Gungahlin Town Centre. The need for localised retail facilities for the growing population in the new areas of Gungahlin will be met with the release of the Casey Group Centre in 2007-08 and the identification of local centres in Forde and another in Amaroo which will be the first stage of a group centre release.

I'm also very pleased to confirm to members that land for local centres has been identified in Dunlop and Macgregor to further meet retailing needs in West Belconnen. The strategy identifies a major opportunity for a retailing mixed-use development in the Belconnen Town Centre that has the potential to be integrated with a new bus interchange. Further planning work is occurring in relation to this site. The Canberra Spatial plan has confirmed Fyshwick, Hume and Mitchell for industrial development, and sites in these areas will be released in accordance with demand.

The document tabled today will be circulated to all community advisory groups, community councils and peak industry groups. Members should also be aware it's available to the wider community through the government's website, shopfronts and libraries.

Answers to questions on notice

MR SPEAKER: Mr Smyth has indicated that he wants to request an explanation concerning unanswered questions, pursuant to standing order 118A. Due to circumstances requiring debate of the appropriation bill at 3.00 pm today, he was unable to do so following question time. To do so now, the leave of the house is needed.

Question Nos 1460, 1461 and 1462

MR SMYTH: I seek the leave of the house to quiz a minister.

Leave granted.

MR SMYTH: Mr Speaker, through you, I point out to Mr Corbell that answers to question Nos 1460, 1461 and 1462 are all overdue. They were due on 1 May and relate to mental health issues. I was wondering whether the minister could explain why they are overdue and when I might expect an answer.

MR CORBELL: Mr Speaker, I signed off the answers for Mr Smyth today in relation to those questions and, if they are not already in his office, they should be soon. I apologise.

Question No 1407

MRS BURKE: I seek leave to do likewise, Mr Speaker.

Leave granted.

MRS BURKE: I refer to question No 1407. I believe that it has been referred from minister to minister and I understand that it is now back with Minister Corbell. I am wondering why I have not yet received a response.

Mr Corbell: What is the subject matter of the question?

MRS BURKE: It is about the Office of the Community Advocate at a time when you were the minister responsible. It has been referred backwards and forwards.

MR CORBELL: I have already answered this question in response to a previous point that Mrs Burke raised. I am advised by the Clerk that the question she has asked is out of order and I am not in a position to answer it because it is out of order. I advised the Assembly of that when Mrs Burke raised the issue earlier.

Mrs Burke: It is still on the notice paper and that is not the advice I have been given, Mr Speaker.

MR SPEAKER: That is about where it stands at the moment.

Question No 1474

MR CORNELL: Mr Speaker, I seek leave to raise a matter under the same standing order.

Leave granted.

MR CORNWELL: I refer to question No 1474 to the Minister for Planning regarding a review about extending pensioner off-peak concessions. It was about whether the outcome of this review would be made available to members of the Assembly.

MR CORBELL: Mr Speaker, I apologise to Mr Cornwell. That answer has been in my office and it should be with the member shortly.

Appropriation Bill 2003-2004 (No 3)

Debate resumed from 11 March 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (8.40): Mr Speaker, the opposition will be supporting this appropriation bill. We have always said that governments deserve their budgets and should have their appropriation bills. I will just make some comments on behalf of the opposition as to some of the numbers and some of the items in the bill itself. I hope that we will be able to move quite quickly through it.

The estimates committee raised some queries about the need for this expenditure and the ability to spend the money before the end of the financial year. Clearly, when the government presented the bill, it would have loved the estimates committee to have reported by the end of March, but I suspect that that was always going to be a little bit tight. The committee reported as quickly as it could and the government has just tabled its response to the recommendations.

The committee asked that the government come back on the first sitting day in August and report to the Assembly as to how much of this money had been spent. I note that the government has agreed to provide that information. I am sure that the Assembly will be grateful for that, because having such a large appropriate so late in the cycle and just before the financial year's budget is to be released does raise questions.

We do question the need for some of this expenditure and whether the motivation was not simply to run down the surplus so that there would be less to spend in the coming year, because a large amount of this appropriation would appear to be, certainly to the estimates committee and to the opposition, money that will not be spent this year. As we have probed through that in the inquiry, we have had assurances from ministers that the money is urgently needed.

In the case of the money for child protection, for instance, it became quite clear as the inquiry continued and as the minister came back that the money will be required in June, so the excuses that the government put that this bill had to be passed by the end of March certainly dissolved under scrutiny. Nobody is doubting that the money will be needed towards the end of the financial year; but, if we are going to be honest about these things, let us know exactly when the money will be required and how much of it could be spent in a particular year.

In each of the areas, the clerical enterprise bargaining agreement features quite large. Over the course of the debate it came up that almost $30 million is required for public service pay rises. We do not begrudge the pay rises; I am sure that they will be negotiated wisely. We would certainly like to ensure that the taxpayer will be getting appropriate trade-offs in terms of productivity and increased output. A lot of that did not seem to have been considered by the various ministers that appeared before the estimates committee.

We note that in the out years the amount listed through this appropriation bill, the $29 million for the part year, will become $55 million in 2004-05, $73 million in 2005-06 and $82 million in 2006-07. The curious thing is that the negotiations are not complete. Indeed, I suspect that none of the back pay, particularly for teachers, who have not received the back pay that was agreed to back in October, will not be paid by now.

Ms Gallagher: We cannot pay them.

MR SMYTH: The minister shrugs her shoulders and says, "We cannot pay them. We cannot give them their money." The government cannot give the workers something they have been entitled to from last October. You have to wonder whether this is not just a ploy to push the payments out into the coming year. Certainly, the teachers are suspicious and we are suspicious of the government's intentions. It will be interesting to see when the negotiations are completed exactly how much the whole process has come to.

There was quite a lot of throwing around of numbers during the estimates inquiries and it was said that the Liberals only put 1.6 per cent away. It would appear that the government made allowance for only 1.3 per cent. I remind members that, had the Treasurer's estimate of a $7.8 million deficit this year come true, there certainly would not have been the $29 million required this year. I suspect that the payments this year will go well beyond the $29 million estimated. But enough on the EBAs.

Running through the requests for the various departments, we would certainly have some concerns about the commercialisation investment fund. I think it reeks of the word "Tricontinental" and I smell a bit of Victoria Inc. here. I am concerned that the government is getting into something that possibly it does not have to get into and I think that the case made for it to occur is not the strongest. We would query the putting away of this $10 million.

The contribution towards the new capital facilities at the University of Canberra is welcome. Building up our universities is something that we would agree with and something that we worked towards. Indeed, if you look at the work Charles Landry talks of in his book *The Creative City*, as he has espoused today and has done all this week at some functions, making sure that your universities remain at the leading edge is certainly worth making happen.

As to building a stronger community, the community inclusion board and the community inclusion fund reek of a slush fund, quite frankly.

Mrs Cross: I take a point of order, Mr Speaker. The disruption on this side makes it very difficult to concentrate on Mr Smyth's comments.

MR SPEAKER: Order, members!

MR SMYTH: Apparently the need is there, asserted by the government, but when you ask what it will do you find that it will have a community board led by Hugh Mackay that will direct the government to spend its money more wisely. You would have to be worried about a government that does not seem to be able to prioritise what is really core

business, given the explanations that we were given. We would have some doubts about that. As I said, I suspect that it is a slush fund that will be used as they see fit, but we will keep an eye on it and make sure that the money is spent wisely.

I will leave the child protection review to my colleague Mrs Burke. We note that the cost has blown out to the tune of another $290,000 and that it will take them an extra five or six weeks. It will be good to get to the bottom of it and we look forward to receiving the results of the review early next week. The Chief Minister put out a press release today that he expects to receive the report on Monday and hopes to release it to the community a week or so later. I do not see why, if he receives it on Monday, the rest of the community cannot see it on Monday as well. Perhaps the Chief Minister would like to make sure that the community receives it as quickly as he does.

I turn to the hockey centre redevelopment. Many of us have been feted by the hockey centre over the years. It is great to see Mr Quinlan become Canberra's number one hockey fan. In the coming years the AIS hockey program, which is currently located in Perth—I suspect that has a lot to do with the former coach—may have the opportunity to return to where it should be, which is with the AIS in Canberra. We could locate it at the hockey centre at Lyneham. The sum of $4.5 million is a lot of money, but I suspect that it will be money wisely spent. The hockey fraternity in Canberra is quite large. The opportunity to host the women's international challenge next year will help to put Canberra on the map, so we would be supportive of that, as with the Woden squash centre.

ACT WorkCover is spending a lot of money on investigations, but I think that they are worthwhile. We have some concerns about the volume, but we have to get to the bottom of things such as the collapse of the Fairbairn hangar. I note today that there was an accident at the Curtin shops whereby a large piece of concrete dropped when a cable snapped, narrowly missing cars and workers. I think it would be fair to say that we are all supportive of the work of WorkCover, and having adequate resources is, of course, important. But we need to make sure that they are also providing the outputs.

There is some doubt about the level of training that is being given to the WorkCover inspectors. Recently, I believe, the same concerns were raised in New South Wales. It would be interesting if the minister could come into this place at some stage and tell us what actual training is undertaken so that the inspectors of WorkCover are the best equipped and the best trained to cope with changing circumstances.

There is $560,000 for the resolution of a contractual dispute. Again, the estimates committee made a response to the whole debacle that has been going on for some years, 2½ years, under the care of this government.

Mr Quinlan: It started before that.

MR SMYTH: I said at least 2½ years under the care of this government. To give credit where credit is due, Mr Quinlan, I know where it started.

Mr Quinlan: Words carefully chosen.

MR SMYTH: Words very carefully chosen. One always chooses words carefully when dealing with you, Treasurer. This side of the house would like to see it resolved quickly. Certainly, commitments were made in previous years of three-month timeframes but, under this government, it has been going on for 27 months. That is a bit long for a contractual dispute and, for a small or medium business, that can also be deadly.

The departments of treasury and health are having wage negotiations and our concerns have already been made known there. The Department of Urban Services has asked for more money in regard to things like bushfire recovery, and we note that that is going on.

As to implementation of the water resources strategy, $280,000 does not seem to be a significant amount for a significant issue. We would raise concerns there as well. I look forward, in terms of the Cotter precinct and the Tidbinbilla Nature Reserve work, to that going ahead swiftly. The Cotter precinct work started when I was minister. There is an enormous amount of potential out there in the white water that runs in Paddy's River when we get a bit of rain all the way through to the quite unique cave complex out there. Having that work progress, even though it has taken 2½ years, is worthwhile. We would certainly be supportive of it on this side of the house.

Under the ACT Planning and Land Authority there is reference to the purchase of Phillip Oval. The estimates committee had some concerns about the way the minister handled himself and about the information that was released. The committee asked for all documents to be tabled in the Assembly. I notice that we have had an interesting response from the government. It has said, "If you want some documents you can ask for them, but here's a bit of a chronology. The former government knew of it." Of course the former government knew of it. The work started under the former government and was not completed by the time it left office.

But it does seem, from my reading of it, that ACTAFL is being backed into a corner when there were potentially other buyers who, in accordance with the what the minister had said, would have met the conditions to keep the lease running in compliance with the current lease conditions, which, of course, are to run it as a sporting facility. We asked for documents for all of the third parties. The minister gave us the documents from a third party, but forgot to mention that there was another third party. That came to light in the committee hearings. The committee recommended that the purchase not go ahead, because the purchase would come with a liability for the ACT.

I note that in the budget documents for this year there is an amount of $60,000 or $80,000 for maintaining the oval. That is something that the Hellenic Club quite clearly was willing to take on. I think that it is a shame that yet again the minister, who twists and weaves, did not deliver all the documents that the committee clearly had asked for, and he should have done. Mrs Cross might like to have a few more words to say about that.

Ms MacDonald: You gave an hour and a half to get the documents.

MR SMYTH: Obviously, the wound is proportional to the response and the snapping over there from Ms MacDonald. Clearly, a raw wound has been rubbed, so off they go. ACTAFL had an opportunity, I suspect, to make slightly more money than the

government is offering them. That would have been good for the game. It would not have come from government coffers and I think that there would have been win-win situations all round. But the government has chosen not to follow that up.

There are some funding requirements in the Department of Disability, Housing and Community Services, including concession payments for electricity, water and sewerage charges. We certainly welcome those. There is some money there to cover the increasing costs for relief disability support staff, which I think is important.

When we get to ACT Housing, we see that it is to get $33 million. I just wonder how much of that actually will get to be spent, Mr Speaker. We gave housing $10 million two years ago. It has spent $3 million of that, that is, $1.5 million a year or 15 per cent of the amount a year. At that rate, about $4.5 million a year will be spent; so, with $33 million, there is about eight years worth of housing here at the current rate of expenditure by the minister. I hope that they will get their act together and actually spend this money and address the needs that clearly exist and that this government seems to be ignoring.

Under justice and community safety, there is money for some accommodation for the Emergency Services Bureau, for some command vehicle garaging and for some generators, which I think will be welcomed.

Mr Quinlan: You don't have to read the bill to us, mate.

MR SMYTH: But we need to make our own commentary on it, Mr Treasurer. We just want to make sure that you know that we are watching what you are doing.

Mr Quinlan: The world is listening.

MR SMYTH: Of course the world is listening. The airwaves are out there, Mr Speaker. It is good to see them paying attention.

MR SPEAKER: Direct your comments through the chair, Mr Smyth. Mr Quinlan will cease interjecting.

MR SMYTH: Sorry, Mr Speaker, but I just cannot help rising to the jibes sometimes. They are shallow, but they are worth getting back at. You would understand that position, Mr Speaker. I suspect that some days you might miss the old spite from the benches and the cut and thrust across the chamber.

Mr Speaker, for supporting children at risk, the government asked initially for $2.8 million, with a capital injection of $465,000. I am not aware that an amendment has been tabled.

Mr Quinlan: No. We have to get to the detail stage.

MR SMYTH: No. There is an amendment coming that will take the amount closer to $7 million to cover costs. The committee was apprised of that a couple of weeks ago. We have made some comment about how this area of the department actually comes to its figures. Clearly, it is a moveable feast—one officer said that it is an art, not a science—but we have called for closer scrutiny about how those figures are collected. The officers

might have to do a bit more of a longitudinal study to see whether some patterns emerge so that they can get a better basis for this expenditure. I suspect that Mrs Burke will have a little bit to say about that in a few minutes, so I will leave it there.

In the main, the bill provides for an appropriation of $100 million, approximately $60 million off the bottom line. It is quite ironic that we sent the budget to the estimates committee before we passed the third appropriation bill for this year. I go back to the point that you have to question why so much money is required at such a late time in the year, knowing full well that the estimates process was going to take a couple of months. But with all that said, there are some worthy projects in here. There are some projects that we will keep very close attention on. With that, the opposition will be supporting the third appropriation bill.

MR CORBELL (Minister for Health and Minister for Planning) (8.57): Mr Speaker, I would just like to respond to some of the issues relating to the Estimates Committee's report on the third appropriation. Mr Speaker, in its report the select committee made three recommendations in relation to Phillip oval. During the presentation of the report to the Assembly, a number of members made statements accusing me of misleading the committee and withholding information. Mr Speaker, I want to assure the Assembly that I did in fact fully provide the information that the committee requested.

Recommendation 8 of the committee report requests that I present to the Assembly all the documents and correspondence relating to the proposed purchase of the Phillip oval and that the Assembly review the issue on receiving this information. Mr Speaker, the government has outlined in its response to the committee's report a long history to the transfer and surrender of the lease for Football Park, Phillip. The government will provide any documentation in relation to these matters as requested by the Assembly, with the obvious exception of commercial or cabinet-in-confidence documents.

Subsequent to that chronology, I have this week written to ACTAFL advising them of the government's response to their requirements and attaching a draft deal for them to consider. I am advised that at least that proposal has been well received and that it will be formally considered by ACTAFL soon. Such offers are of course dependent on the passing of this appropriation.

Since the beginning of this government's term, ACTAFL have discussed options to hand over the management of Football Park, Phillip, initially as a surrender of the lease for compensation and later seeking ministerial consent to transfer the lease to a potential purchaser. This was later advised by ACTAFL to be the Koundouris Group.

This proposal involves a significant reduction in the recreational potential of the oval, including aged-care facilities on the oval, and training facilities for a major sporting team provided for the retention of a rugby group. The government determined that the community-benefit test that applied to dealings with concessional leases was not satisfied. It also determined that it was important to maintain an AFL ground on the site.

The proposal by the Koundouris Group was raised at a meeting of the Woden Community Council. The parties were informed about the government's position on Phillip Oval and the position put forward by the Koundouris Group.

Negotiations were then initiated with ACTAFL to surrender its interests in accordance with the surrender provisions of its lease. Such surrender arrangements are a usual provision of such leases and there is a provision to compensate for lessee improvements. ACTAFL made it a requirement of the negotiations that there was agreement for the funding to be available in this financial year. Hence, Mr Speaker, the appropriation is sought in the third appropriation bill.

The Koundouris Group has put forward other options in subsequent discussions with the government, including retention of the oval. These discussions occurred after the cabinet decision to accept surrender of the lease and well after negotiations had been advanced.

Earlier this year, some 16 months after the Koundouris proposal was mooted, the Hellenic Club again made a proposal to take over the lease of Phillip oval. Negotiations with ACTAFL for the surrender of its lease were well advanced. It is a matter of government policy to negotiate with ACTAFL for a surrender of the lease and that is why we are continuing to proceed to do so.

The committee's report, with a dissenting report from Ms MacDonald, also recommended that I apologise to the Assembly for withholding relevant information to the committee on this matter. Mr Speaker, no relevant information has been withheld from the committee and I do not believe that an apology is warranted.

In my response to the committee to a question from the chair, I advised that "ACTAFL originally sought my consent to sell the oval to a third party". As is outlined in the attached chronology to the government's response to the committee's report, ACTAFL initially approached me for consent to sell the lease to a third party in October 2002. The Hellenic Club's proposal was put to me almost 18 months later and was not the third party referred to in my evidence to the Estimates Committee.

On Monday, 3 May, at 3.30 pm, I received a letter from Mrs Cross as chair of the committee, requesting correspondence in relation to the third party. At 4.00 pm, half an hour later on the same day, my office confirmed with the Committee Secretariat that this was the third party referred to in the hearing. My response was provided at 5.15 pm approximately. The committee tabled its report the next day in the Assembly. The third party referred to in the Estimates Committee hearing was the Koundouris Group. All correspondence with me as minister in respect to the third-party approach from the Koundouris Group, as requested by the committee's chair and clarified by my office with the secretariat, was supplied to the committee.

Mr Speaker, the committee's report also recommends that the $800,000 intended for the purchase of the lease of Phillip oval be omitted from the third appropriation. I'd like to stress to members that the lease for the oval is a concessional lease which was issued to provide for management of and to allow for the provision of lessee-funded improvements to the oval. Future development rights and the previously constructed improvements such as the oval and other improvements are territory—ie, community—assets.

There are also some assets funded by the lessee. The surrender provisions of the lease entitle the lessee to payment for its improvements, and $800,000 is reasonable compensation based on independent advice from the Australian Valuation Office.

Surrender of the lease will allow for recent years of neglect of the facility to be addressed and allow for the orderly implementation of short, medium and long-term planning strategies.

MR SPEAKER: Order, Mr Corbell! There's too much audible conversation in the gallery. If there's any lobbying that needs to be done, can you go the lobby, please?

MR CORBELL: That will involve consultation with the whole community. It will also allow AFL Canberra to get on with its core business associated with Manuka oval and avoid further financial hardship for an important community organisation.

Mr Speaker, the valuation of land in the current lease between the oval and Launceston Street, identified in the draft Woden master plan for other possible uses, is in the order of $2 million to $3 million. The replacement value of the territory-funded assets is $5 million. Therefore, the community's equity in Phillip oval is approximately $8 million, and the government believes it has a responsibility to protect that investment.

The social and economic importance of Phillip oval, both now and in the future, should not be underestimated. And the government believes it has a responsibility to properly deal with the community interest in this lease. The government has been provided with advice that it will cost $80,000 per annum to maintain the oval, offset by an estimated $20,000 to $30,000 of revenue. The maintenance costs have been identified in the territory's 2004 final budget.

There will be a need to undertake rectification works to bring the oval up to the standard of an enclosed oval, following deterioration of the assets under the current management arrangements. This work will be funded as priorities are identified in the Canberra Urban Parks and Places' budget. The government is committed to maintaining an enclosed oval for high-level competition particularly suitable for Aussie rules football. Other sports such as cricket will also be able to use the oval.

Mr Speaker, analysis undertaken as part of the development of the Woden master plan has shown that the facility will provide a very important competition venue into the future, particularly because of its ideal location. Initial assessments have shown that, in the medium to longer term, Manuka oval is inadequate for AFL needs in Canberra and it is important for the future of the sport to ensure a top-level facility is maintained. The future need for this facility has been further enhanced by the proposed developments identified in the spatial plan for residential development of a population of up to 50,000 people in the Molongo Valley.

When the concessional lease was issued, Mr Speaker, there was no intention that the territory's assets were to be traded. The intention of the policy to lease these community facilities was to ensure that sporting organisations managed to achieve the best sporting outcomes from the facility. It is appropriate that, if the lessees of these government-

funded assets do not wish to manage them, then the assets should be returned to the territory and not traded for profit.

Acting on the matter now will also avoid further deterioration of valuable territory-owned assets at Phillip oval. If ACTAFL and the territory agree to the terms of the surrender of the lease, the government will then consider the best option for future management, recognising any agreement with ACTAFL and the policy position of maintaining the oval as an enclosed oval.

Mr Speaker, the government sees an investment of $800,000 to accept surrender of the lease as a good investment for the people of the territory. The policy has the strong support of the Woden Valley Community Council. Members of this Assembly, I'm sure, will be aware that they have received correspondence from the community council seeking to keep the facility in community management. I commend the council for its advocacy, and clearly the government agrees with the position.

The council has advised that a meeting which discussed this matter, a public meeting attended by approximately 100 residents, strongly opposed trading of concessional leases and strongly encouraged the government to accept a lease surrender from ACTAFL. That is exactly what the government is intending to do if it wins the support of the Assembly tonight to include that $800,000 in the appropriation.

Mr Speaker, the government does not support the recommendations within the report that relate to Football Park, Phillip, and I urge members to support the appropriation with the $800,000 for Phillip oval so that this important community asset can be maintained for all Canberrans.

MRS CROSS (9.08): I never cease to be amazed in this place. Someone spoke—Mr Smyth, I think, but I'm not sure—on the estimates process. I referred earlier in a speech when we tabled our report, an interesting one—and I'm not going to go over that again—to some of the concerns that have been expressed in this report and to the recommendations. I'm not going to repeat them because they're clearly stated.

In response to Mr Corbell's response to the Phillip oval issue, I will quote some things that are in this report about what Mr Corbell said. This is one of the reasons why most of the members of this committee were concerned with what appeared to be the minister's lack of—

Ms MacDonald: On a point of order Mr Speaker: I just seek your clarification. I believe Mrs Cross has already spoken in the debate on this issue. Is she seeking leave to speak again?

MRS CROSS: No, I have not spoken.

MR SPEAKER: No, I don't think she's spoken.

MRS CROSS: No, Mr Speaker. I have not spoken on this report. If Ms MacDonald were concentrating she would know that.

MR SPEAKER: This is a debate on the appropriation bill.

Ms MacDonald: My apologies, Mr Speaker.

MRS CROSS: Mr Speaker, the report clearly states the following:

> The Minister for Planning stated that negotiations were still under way and that he was hopeful—

this is on the purchase of the lease of Phillip oval—

> that a conclusion would soon be reached. ACTAFL originally approached the Government and informed them that they no longer required the oval and wished to sell the oval ...

This is from *Hansard*, Mr Speaker:

> ACTAFL initially sought my consent, which is required under their lease, to sell the oval to a third party who wished to redevelop the site. That party also approached the government seeking agreement to change the territory plan to permit certain other activities on the oval.
>
> I indicated on behalf of the government that the government would not support a redevelopment of the oval for the purposes that were proposed and I also indicated that I would not support transfer of the lease, because I thought it was inappropriate to sell the lease to a party who wasn't proposing to use the oval predominantly for sporting-type activities.

The interesting thing with that was that we asked the minister about this issue, and the minister referred to a party. He didn't refer to parties and he didn't offer this information to us; we had to actually write to him to get any correspondence about a party. All the minister said to this committee was it was a party, which, we felt, on reflection—

Mr Quinlan: On a point of order, Mr Speaker: let me say I can understand Ms MacDonald's point of order. Mrs Cross is debating the report. This debate is about the appropriation bill. Do we or don't we get the funding? That is the question. I would request, Mr Speaker, that Mrs Cross be requested to address the bill at hand.

MRS CROSS: This is relating to the bill, it's pertinent.

Mr Smyth: On the point of order, Mr Speaker: it's normal when we have appropriation bills that we often discuss the government's response when we discuss the bill itself. The government's response was tabled less than an hour ago, and Mrs Cross is clearly addressing issues that have come to life as a result of the Estimates Committee and the government's response to the Estimates Committee on the third appropriation bill. And it has always been so. Therefore, it's entirely appropriate to discuss these issues in this debate.

MR SPEAKER: Nevertheless, members speaking to a bill have got to remain relevant. To the extent that discussion of the committee report is relevant to matters in the bill, it's open to members to deal with it in that context.

MRS CROSS: Thank you, Mr Speaker. The minister has just responded to the committee's report. I am commenting on and referring to the report in relation to his response to that committee report. So I think it's relevant.

The Estimates Committee approved the appropriation, except for the $800,000 that was asked for for the purchase of the lease because it felt that it was an inappropriate and unnecessary taxpayer expense, given that, contrary to what the minister had advised the committee, a party had offered to purchase it but not under the terms and conditions that the minister felt he wanted to preserve the lease. He didn't say, "There were parties and one of them would like to preserve it the way I'd like it, Mrs Cross, and the other one doesn't." We had to find this out by other means. When we asked the minister to provide us with information, we only got part of that information.

That is the reason why, on the $800,000 we felt—and rightly so—that we were misled, which is why we asked the minister to come back to apologise. I think I heard some sort of apology earlier. It was very difficult to hear, with the noise, and the Chief Minister babbling on in the background. But it was very, very difficult to come to any conclusion but that.

If Mr Quinlan doesn't like the fact that I'm questioning this today because it makes the government look bad, that's your problem. Our job was to make sure that the money that was asked for in the appropriation was necessary, that it was going to be spent by the time that it was meant to be spent by. We have a role, a duty and a responsibility to answer to the members of this Assembly because we represent the people of Canberra—it is their money—to make sure that the money that the government is asking for is going to be used appropriately and by the time that they say they need it by. That hasn't always been the case. We have a duty to ensure that we can get as much information as possible in as timely a manner as possible. That hasn't happened.

The minister referred to the committee's secretary. I am very concerned that this reference was made, and I just wanted to make sure so that I didn't misunderstand what the minister said because I don't want to misrepresent his comments. He said that a member of his staff rang the committee secretary to find out who the third party was. Well, Jesus, wouldn't you think they'd know!

Mr Corbell: No, that's not true.

MRS CROSS: No. Why would your office involve the committee secretary and not ring the chair of the committee when, in fact, the committee secretary recommended to the staffer to ring me, but she didn't but she wanted to involve an administrative person? How inappropriate is that? The committee secretary rang me, very concerned, and said, "I got a call from the planning minister's office. A staffer in that office was saying, 'Who's the third party?'" Well, gee, wouldn't you think they'd know? It's almost like you're trying to involve other people in—how would we call it?—your cover-up? Maybe "cover-up", do you think? Might be "cover-up", who knows. But it was totally unnecessary. The committee secretary made it very clear to this staffer that she should ring me, but she did not. I wonder why.

I have another question. Given the way that this whole Phillip oval matter has been handled, if the minister had been up front about all the negotiations and even if he'd sent us this information and said, "Look, it's not for publication but, because you need to deliberate on this issue, we will give you all the information," then—not dribs and drabs until today—maybe the outcome would have been different. Who knows? Maybe the recommendation would have been a little bit different. I don't know.

But at the end of the day, we were tasked to come up with a report and recommendations based on the information we had presented to us during the estimates hearings, and that is what we did. And if you don't like it, that's your bad luck.

We know that we're going to fail because you've got the numbers. At the end of the day, the majority of the members of this committee are confident that that recommendation is the right recommendation, based on the information that we were provided.

We asked the minister during that process what he was planning to do once he purchased this, and he said, "Well, look, I'm not really sure; haven't quite worked it out." Then, on the other hand, he said, "Look, we can't really disclose that. I don't think it would be appropriate for me to disclose that development potential, given that the government may or may not seek to develop those sites ourselves." I'd like to know from the minister: are you planning to break that block up and develop some of it and do something with the rest? The way this whole thing is being handled has been very suspect. I am very, very concerned at the way this has been handled.

MR SPEAKER: Order! There are too many conversations going on. Mrs Cross has the floor.

MRS CROSS: Thank you, Mr Speaker. This government went to the last election saying that they were going to be open, transparent and accountable. They were given a sort of a minority government mandate to govern on that basis. I have seen too many examples of that promise not being kept in this place. Some of us actually were looking forward to that open, accountable and transparent approach. Some of us thought it would be a nice alternative.

This is an example of one situation where I feel that perhaps this wasn't handled in the most up-front, transparent way. This is what caused the majority of members on the Estimates Committee to come to the recommendation of approving the appropriation but not the $800,000 for the purchase of Phillip oval.

I'm still suspicious on what the minister plans to do with it. I'm still suspicious as to why we were told about a party during questioning and not parties, which is why, of course, when we wrote to him and asked him for correspondence about a party, we got a party; we didn't get the parties until we discovered that there was another link. But he didn't tell us; the other party told us and gave us that correspondence. So if that's not withholding information and inadvertently—deliberately or not—misleading the committee, I don't know.

The other concern that this committee had with this appropriation centred around the WorkCover situation and the Wizard account and the fact that a vendor, a client in this

city, in good faith, entered into an arrangement with this government to provide services. In fact, it is interesting—when we asked and we found out it was about Wizard—that that account or that transaction goes back to 2000 and these people are still waiting in 2004 to get their money for services rendered. The interest component alone is astronomical, Mr Speaker. All the Treasurer was asking for was $560,000 or $580,000.

Ms Gallagher: They've been paid.

MRS CROSS: In full? I hear the minister for WorkCover says it's been paid. I will be very happy to hear that it's been paid in full, including interest and everything that that vendor has provided for this territory, rather than being forced to accept a deal because of intimidation.

The majority of members of this committee had concerns with the way the government handled that person, that company, because, in a town where we are trying to promote business, to foster our economy and to look out for small business, not just large business—

Mrs Burke: You might be; they're not.

MRS CROSS: Yes. It appeared—and I might be wrong; if you're trying to do the right thing good on you; but it didn't seem like that when we delved into this matter—questionable. If you don't like this—

Members interjecting—

MR SPEAKER: Order, members! Mr Quinlan, please. Members, this risks falling into chaos unless we can get some silence while Mrs Cross concludes her remarks.

MRS CROSS: Thank you, Mr Speaker.

The other thing that was disappointing for the committee, Mr Speaker, follows the opportunity that we offered to the industrial relations minister to come back and give us supplementary information. The committee requested and was very happy to receive information. *(Extension of time granted.)* It was disappointing that, while the minister was giving that evidence—and I'm not going to say that the minister was directly responsible for this because it could have been other people; I was very concerned—press releases were going out; the media was being informed of things that we were being advised of during that situation; and there was information not being disclosed to the committee.

One could say she doesn't have to; the government doesn't have to tell us anything. But what about that open, accountable and transparent approach? It didn't appear to be that way. In fact, the majority of members of this committee felt that the committee was perhaps exploited for the media. Rather than being open, accountable and transparent, it didn't look good; and we were disappointed in the way it was approached.

A media release went out at 5.25 pm from the minister's office. The minister was giving evidence between 5.00 and 6.00 pm. It was on WIN News at 6.03 that night—very interesting timing, Mr Speaker; very interesting how that whole approach was handled.

We were almost like lambs to the slaughter—"It's all right, we'll use you to get what we have to; we'll tell you what we want you to know; we want a few extra million dollars, three times what we originally asked for; and then we're going to work with the media," apparently just to cover all the bases.

Members interjecting—

MR SPEAKER: Order, members! Mrs Cross has the floor.

MRS CROSS: As many members have said in the past, Mr Speaker, I can count; I know that we don't have the numbers to get the recommendation through regarding the $800,000 for Phillip oval. But I would urge the government—and you are not above being asked to do this, especially you, Chief Minister—if you're going to go to an election and say you're being open, accountable and transparent, and people vote for you on that premise, don't mislead people that vote for you and say, "Transparent, open and accountable is what we say but not what we do."

Mr Speaker, the other recommendation that we felt was very important was recommendation No 6—and this of course is related to the appropriation:

> The Government post to a website, all transcripts of the coronial inquiry of the 2003 Bushfires immediately, as they become available.

I would think that that is not only in the community's interest, it is in the public interest, and it is something that we would urge the Assembly to support. I think nothing needs to be said further on that one.

I'll end on this, Mr Speaker, recommendation 13. The basis for this was a letter, and partly an attitude of certain ministers—not most; most of the ministers were fine. Recommendation 13 states:

> Prior to the commencement of any or all Estimates committee hearings, Ministers should remember their responsibilities and obligations in the conduct of hearings, and if necessary, refresh their knowledge of Standing Orders; and further understand the difference between the Treasurer's advance and a supplementary appropriation.

That related to a very arrogant letter we received from Minister Bill Wood lecturing us on did we really know the difference. Someone mentioned it was urgent. Was it urgent funding? It goes back to this: we would like to know by August exactly what the government is going to spend of this appropriation to see if in fact some of these funds were needed before 30 June.

MS DUNDAS (9.27): Mr Speaker, I actually commend the government for bringing this appropriation bill before the Assembly so that this expenditure can be examined and we can have an estimates process and look at each of the line items in detail, rather than just seeing fit to expend Treasurer's Advance for these items. I welcome this move by the government.

This bill contains a number of items that the government had characterised as urgent, most particularly the child protection money. However, we know that, between the idea of Treasurer's Advance being used for the child protection money and the actual

development of the appropriation bill, departments were able to find the necessary resources from within their existing appropriations while they awaited the passage of this bill. This raised some interesting questions about when Treasurer's Advance was going to be used, the process that unfolded as an appropriation bill was further being developed and the crossover and confusion that arose then. Some questions were put to the ministers about that process. It all served as an important reminder that the Financial Management Act needs some clarity in it.

Treasurer's Advance should not be the first place the government turns if it believes that its existing appropriated moneys are not sufficient. It should be the last resort for urgent and unforeseen expenditure, so that Treasurer's Advance is kept aside for when things go suddenly and substantially wrong. A major disaster such as the January 2003 bushfires can occur at any time, and it would not be prudent to use Treasurer's Advance for non-urgent items, because that leaves the possibility of money not being available when it is actually needed. Of course, if an item truly were urgent and there were need for a supplementary appropriation, I am sure that the Assembly would agree to sit and discuss that appropriation bill, as was the case with the 2003 bushfire response, where a mix of Treasurer's Advance and supplementary appropriation bills was used to address the rebuilding.

I again make the point that I am particularly glad that the Assembly was given a chance to properly scrutinise proposed spending in this appropriation bill, and because of that scrutiny I have some comments to make about the items that are in the bill. The government's plans to fund a commercialisation investment fund were first flagged in the economic white paper. At the time of the release of that paper, I expressed a view that there were better ways to use taxpayers' money, if the goal was to support local industry.

The ACT government has made some very expensive mistakes in the past, and we would not like to see that repeated. At the launch of the economic white paper, the Treasurer himself listed a string of failed ACT government business ventures, including Totalcare, the International Hotel School and the V8 Supercar race. Yet the government is making a decision to invest $10 million of taxpayers' money into more business ventures, which it will decide upon.

The investment sector is one of the best judges of whether ideas have commercial potential. A professional manager overseeing use of funds would not make the same judgment as investors deciding how to use their own money. I believe the government should be linking our local researchers with entrepreneurs, who would help them to present themselves as well as possible to the market and provide them with the skills they need to generate working capital. Venture capital investment ties up a large amount of money that we need for investments that directly benefit the wider community.

To build and sustain our business sector, the ACT government should stay focused on capacity building, sustaining our research facilities and helping develop commercialisation plans. Spending millions on venture capital diverts resources from the capacity building programs we need to create sustainable industries that do not need government handouts.

The ACT government has talked about our region becoming a technological powerhouse, like Silicon Valley, Cambridge, Bangalore or Washington. These success stories, however, resulted from governments facilitating venture capital investment, not directly providing the investment themselves. The government says it is confident that the people of the ACT have clever ideas with commercial potential. Trusting that the market will fund those projects if they are presented in the right way would actually be a real vote of confidence in local innovation.

The $10 million pledged to the commercialisation investment fund stands in stark contrast to the $133,000 dedicated to funding the community inclusion board and the community inclusion fund, which were meant to help all people reach their potential. That is an extra 42 cents going to all Canberrans so that they can reach their potential, while we are looking at providing $10 million to industry. I am not ignoring the $300,000 for the building a stronger community initiative but, in comparison, what we are spending on the implementation of social plan outcomes still represents only 4 per cent of the amount going to the commercialisation fund under the economic plan.

This appropriation bill seeks to fund the child and family centres that were part of the social plan, and I hope that these services will meet the needs of the sectors of the community that they are trying to meet and that they look at what is missing. There are a number of services in Gungahlin that are missing or that need to be expanded. The child protection review funded under the Chief Minister's Department line item is obviously necessary after the events of the last number of months. I just hope that the government will fund the necessary recommendations that come out of that review, so that we are able to support children in need.

To turn to the line item under ACT Health, I have no doubt that pay increases agreed with nursing and clerical staff are justified, although I do not believe the enterprise bargaining offer to nurses made to date will make a difference to our acute nursing staff shortage. We currently do not offer nurses career advancement options that allow them to keep providing patient care.

Most nurses enter the profession because they want to work as healers, but they are then forced to merge that with administrative work just to earn a decent wage. The ACT government must acknowledge the need for a clinical career path to make the profession attractive in the long term. The pay for level 1 and level 2 registered nurses is still lower than it is interstate. Even a degree-qualified nurse with nine years experience earns less than the average wage in the ACT. These problems need to be addressed.

However, I support the increased allocation for visiting medical officers, reflecting the improved pay arrangements for our hospital specialists. The inequities in the pre-existing system certainly needed to be addressed, and I hope that the pay deal has done enough to increase the number of specialist training places, as our shortage of medical specialists is currently predicted to get worse rather than better.

In relation to the funding under the Department of Disability, Housing and Community Services, I have no difficulty at all in supporting the extra $803,000 for disability support relief workers. The 16 per cent increase in costs does not appear excessive in the circumstances. The conversion of some casual workers to permanent status makes a lot

of sense when staff turnover has historically been an issue. I am glad that the new relief arrangements have improved staff retention and that the new arrangement includes staff training. I also support the improved staff allocation system, which improves the likelihood of relief workers being known to the group house residents that they are working with.

I also want to congratulate the government on making a substantial commitment to public housing in this appropriation bill. The fighting words of ACT Labor's election platform led me to believe that the Stanhope government would, at minimum, restore public housing to the level it was at under the last Labor administration. The money in this appropriation bill is the first sign that the government is working on that promise. Canberra's crisis accommodation is almost always full, and homeless people, for many of whom public housing is the only realistic option for long-term accommodation, are being turned away. Hopefully, this money will make a real difference in their lives.

Turning to the Department of Education, Youth and Family Services, I strongly support the extra $4.58 million for supporting children at risk that is included in the amendment to this bill. We have heard stories of reports not being fully investigated because of understaffing, and I hope this injection of funds prevents that occurring in the future. It would be gravely worrying if a child was left in an unsafe situation because there was no funding for substitute care.

I hope that government investigation will lead to a greater emphasis on programs that prevent abuse and fixing problems in families before it gets to the point where it is no longer safe for a child to remain at home. The goal of child protection services is family reunification, so it is vastly preferable if we can avoid separating families in the first place—without compromising the safety of children. It is a difficult line to tread—I understand that—and child protection workers have a difficult balancing act in that situation. We await more information from this government in relation to the Vardon inquiry and the changes made through the department of education, and even family services, to address these problems.

Lastly, I turn to the controversial issue of the Phillip Oval. This was raised through the appropriation bill and, reading the estimates report on the appropriation bill, I was incredibly interested in what the committee said. It is very rare for a committee to recommend that line items not be included in a final appropriation bill. I have looked into this issue in great depth and have considered it quite strongly, and the main issue for me was whether this money would be spent for the purpose for which it had been intended: whether it would actually go to ACTAFL for the lease of Phillip Oval.

A number of developers, and other bodies, are looking at Phillip Oval as an opportunity. Some people want to use it for sporting facilities to support the community; others have different ideas. I understand that ACTAFL was considering all of these options and was not initially happy with the government's offer.

There is a lot of concern about the fact that this is a concessional lease, and it would be against the spirit of the concessional lease system if ACTAFL were to benefit from an asset on which it had made no initial outlay. In considering this matter, the review of concessional leases, which is being undertaken over such a long time, if it had been available, would have been incredibly useful in considering all the issues around

concessional leases. We have been waiting for that review of concessional leases for quite a long time, and it seems pertinent now.

Despite all the different offers being put forward—and the government offer as well—from my conversation with ACTAFL this afternoon it appears ACTAFL are willing to consider the government's offer and will look at accepting the government's offer. So the $800,000 will be expended in this financial year. We will have to wait for the government's response in August to see if that happens. If it does happen, the government in itself has this asset that it must decide what to do with in the future. Just as there is no guarantee that a developer will keep it for sporting facilities, there is no guarantee that a government will keep the land for sporting facilities. We have seen ovals change; we have seen nature conservation parks change; we have seen many different things under the territory plan change.

The government should consider carefully what it intends to do with the oval: negotiate some of the other offers that have been put on the table or retain it as a sporting oval, but in partnership with community organisations so that the cost to the territory is minimal. We could use that money for the upkeep of a sporting facility to help young people get fit and active—a healthy outcome. Supporting a professional oval does not necessarily do that by itself, and there needs to be a focus on healthy outcomes for youth in the ACT.

MS TUCKER (9.42): The key issue of contention in the third appropriation bill is the $800,000 to purchase the improvements made by ACTAFL to Phillip Oval. I do not have a problem with the ACT government negotiating with ACTAFL a surrender of their concessional lease for this oval, as it is clearly in a run-down condition. There is an ongoing problem with concessional leases in the ACT, and I await with interest the outcome of the seemingly interminable review of concessional leases that the government are presently conducting.

I share the view, however, of community groups such as the Woden Community Council that there are problems with trading in those leases and that, rather than shift the lease from one club to another, the government should take it back and reissue it in an open process, with public consultation on any lease conditions that might be imposed. That is why I was so vocal in opposing the deal that was done over the Hungarian Australian Club in Narrabundah and why I am pleased that the government has now taken a stronger line.

The state of Phillip Oval has to be acknowledged. It is a competition standard, enclosed oval, one of only five or six in Canberra which, given its drainage and surface, would cost at least $5 million to replace. But it is in a seriously run-down condition, which has become a burden to ACTAFL, given that it now has a responsibility to run its business at Manuka.

We are all aware that a commercial development proposal, which was on the table, would in the end have required the lease to be deconcessionalised. Fortunately government is not prepared to do that. I understand that the developer is still covering some of the maintenance costs, or did so until recently, so the sooner the current arrangement ends the better.

Also relevant to this discussion is that the nearby Hellenic Club has also made an offer to ACTAFL to take over the concessional lease and to run the oval in its present form. That is, on the surface, an attractive offer, particularly to ACTAFL, who would anticipate a better return. There are, however, issues that would not be able to be resolved if that process were to happen.

In the first case, there is a commitment to using the oval for competition sports, including quality Australian Rules football. If the oval were to be used for extensive training as well as weekend competition, its standard would deteriorate. Ovals in the ACT are not as resilient as those in Sydney, for example. They cannot recover from wear as quickly, particularly in winter.

If Phillip Oval were used as a multiuse, non-competition, standard oval, it would lose its competition status, and its $5 million replacement value would be wasted. It would make more sense to downgrade it to establish a new general purpose ground somewhere in the general direction of the cemetery, or perhaps near the Lyons school, and for the government to sell the facility for residential or mixed use development. Consequently, in our view, no transfer of lease to any other organisation should take place until there has been a transparent and public process to establish the parameters of use.

The other point regarding the oval is that the Launceston Avenue end of the block is identified in the recently launched master plan as suitable for development. It would make sense in my view for government to excise this part of the block and sell it in accordance with the plan. I would, however, want to see any profit made from that sale reinvested in the oval, if it were to be managed by an agency of the ACT government.

I think the Hellenic Club proposal has merit and I would hope that, once ACTAFL has agreed to surrender its lease to the ACT government, which I understand it is prepared to do, the ACT government would run some kind of open process that would allow the Hellenic Club to put its proposal into the public arena, and the best outcome could be reached and be seen to be reached.

Finally, there is the issue of the need to appropriate these funds promptly. I am aware that there is still commercial interest being shown in the Phillip Oval lease. I am aware that another fairly prompt deal with the Hellenic Club is also on the cards. Both of which would preclude the Canberra government and community from ensuring a satisfactory program for use. I would venture that it is for that reason that it was, and is, important for the government to have a sufficient sum on hand to compensate ACTAFL for the value of its improvements to the property.

I appreciate that the Hellenic Club might be frustrated with this position but, if their interest in the oval is, as it appears to be, consistent with the community interest in its use and is not dependent on any associated development projects, any reasonable, open process would put their offer in an attractive light.

I would like to address, in a fairly limited way, the increased funding for the Department of Education, Youth and Family Services care and protection services section. The need for significantly increased funding, it has been argued, reflects a substantially increased number of reports being made under the mandatory reporting requirements in the

Children and Young People Act and the consequent increased figure for days of substitute care used annually. Clearly, the increase in need has come as a surprise and, consequently, had to be funded through this third appropriation.

The story is interestingly illustrated by comparing figures in last year's budget with those in this bill. The estimated outcome for 2003 was $82,743, which is exactly the same as the 2002-03 target and exactly the same as the 2003-04 target—a remarkably precise and unchanging figure. When we look at the government's limit to this bill, we see that the actual audited outcome for 2002-03 was $95,293 and the revised target for 2003-04 is now $113,265. The point is that the figures for demand for services were clearly rising quite fast well before the 2003-04 budget was handed down. It raises real questions about the focus the department had on this aspect of its work, when the projections for the upcoming year and the final budget figures were assembled.

The other figure of alarm is the appraisal rate of all reports of suspected abuse. The target percentage was 90 per cent; yet the audit outcome was 62 per cent. That is a cause for concern—although, given the evidence of this year, no surprise. When we see the Vardon report and the government formulates its response, I trust that it won't just be about more money going into the department but will include an analysis of the department's performance and an intelligent view of how best to resource and work with these kids both through government agencies and the community services.

Finally, I would like to make a few comments on the appropriation for housing. I was pleased to see the announcement of $33.2 million late last year, and I look forward to seeing more details about what exactly the money will be spent on. There are a couple of comments from the committee report that are worth noting. Shelter expressed concern about the use of $3.4 million on an Aboriginal hostel—not because this is not needed but because it may not be a long-term housing solution for the indigenous community and the initiative needs to be negotiated with the appropriate indigenous bodies.

There was also mention of the government's desire to spot-purchase housing with the money from the appropriation bill. This is concerning, as purchasing properties in a competitive housing market might contribute to driving up the prices in an already tight housing market. I am pleased to see that the committee has recommended that the government improve the procurement processes of ACT Housing. I am concerned that in a competitive market the government will show a preference for purchasing properties in the outlying parts of Canberra while the number of houses in the inner areas of Canberra, where the housing market is most competitive, will gradually decrease.

I am disappointed that the government has announced the injection of housing money about three times now. We understood, after the first announcement, that the government would spend accumulated funds in the form of home loans in the portfolio. It does seem rather cheeky that the government continues to announce this money as a new initiative. The key issue is the number of public housing tenancies and properties, and it is disappointing to see that no real increase in the number of properties in the upcoming year is expected, despite this increase in funding.

MRS BURKE (9.50): One or two concerns with this bill have already been addressed in depth by other members tonight and the select committee. However, I would like to add some minor points to what has already been said. Some parts of this bill have been

drafted in haste and as a result of poor leadership and oversight, and the government has tried to sneak in key appropriations in the hope that the Assembly will gloss over the bill to miss them. This is unacceptable and simply naive, particularly when one appropriation alone amounts to $33.2 million.

While certain appropriations in this bill, like those relating to the Fairbairn hanger disaster, are completely understandable, others are the result of poor ministerial leadership and oversight. This is particularly the case with the housing portfolio and the education, youth and family services portfolios. But don't take my word for it. Allow me to read some of the committee's recommendations. Recommendation 3 is:

> …that the Minister at the first available opportunity explain to the Assembly why the Assembly was told that the Treasurer's Advance was being used to fund additional services in child protection, when evidence received by the Committee indicated that the Treasurer's Advance had not been used at that time.

There seems to be quite a lot of confusion over it all, and at that time much political point scoring was done on the government side of the house, where they were saying we were trying to make something out of it. Why did this money get lumped in with the appropriation bill? There is a note at the beginning of the government response about why we did not—or did—use TA and why we waited—or did not—until the appropriation bill.

Smokescreens and mirrors! It was a very important issue. Couldn't it and shouldn't it have been ushered through the system as quickly as possible? I am sure members would not have objected to such a use of TA, given the grave and urgent circumstances. Given the delay of the Vardon report for the third time and the laissez-faire approach to this serious issue, I am left scratching my head as to what on earth the government is doing to give urgent support to workers in the child protection and care sector.

Ms Gallagher: They're cash managed.

MRS BURKE: You will get your go in a moment, if you want to say something. Yes, this is what you are trying to confuse us all with—saying that that is what you are doing.

Ms Gallagher: It's pretty empty!

MRS BURKE: No, no. You must think we came down with the last shower.

Ms Gallagher: I do, actually. On this issue I do.

MRS BURKE: Oh, do you?

Ms Gallagher: I've still got my umbrella up.

MRS BURKE: Oh, is that right? Mr Speaker, let's take a look at recommendation 4, which is:

> …that the Department of Education, Youth and Family Services review how it collects statistics in relation to substitute care, and assess the adequacy and

> effectiveness of the information collected with the aim of improving its service delivery and financial planning ability in this area.

It is interesting that the appropriation bill itself, on page 206, says:

> Supporting Children at Risk (GPO: $7.382m, Capital Funding: $0.465m) to allow for an immediate response to a dramatically increased demand for intervention and support services in child protection. The additional funding will be used to address increased substitute care demand and employ additional staff to enable appropriate levels of intervention and support services to be maintained.

In the government response to recommendation 4 it says that they agree with and accept the recommendation to review how the department collects statistics in relation to substitute care, but it is interesting that the final sentence of the response reads:

> It should be noted that the number of substitute care days used per quarter cannot be predicted as their use is not subject to the control of the department.

Minister, you actually told me that trends clearly show that the number of substitute care days continue to rise exponentially.

Ms Gallagher: But it's driven by the court!

MRS BURKE: So you are saying one thing in this document, and you are saying another thing in here. As I have said, it was explained to me by Ms Gallagher that that rise is due to the change in the way suspected cases of child abuse are reported.

Ms Gallagher: We can't read a crystal ball and anticipate what the court's going to direct.

MRS BURKE: So you are saying on the one hand that you cannot predict it and on the other hand that you can. Interesting, isn't it?

Let's have a look at recommendation 5, which is:

> … that the Government improve the procurement processes of ACT Housing and be better able to explain how monies appropriated will be expended.

The government response to that reads:

> Details of how the $33.2m in appropriated funds will be expended, will be made public after consultations with the social housing sector have been finalised.

When might that be, and when will the money be spent? I have to say, it is all a little suspect. Are we just moving money from one hollow log to another?

Ms Gallagher: No.

MRS BURKE: Oh, aren't we? You're quick to defend there.

Ms Gallagher: They're cash managed.

MRS BURKE: Is that right? Of course, you are the good financial managers. I forgot. While I agree with the committee that the injection of $33.2 million to ACT Housing to address homelessness and housing affordability is warranted, the issue should have been adequately and incrementally addressed over the last three years by the current housing minister. That is what they promised. They said they would not slash public housing. What do we see now? A huge injection pumped back in, still nothing on the Burnie Court site and the Currong flats decommissioned.

Mr Quinlan: What did your lot do? They produced nothing.

MRS BURKE: It is your watch, Mr Quinlan. You have had your time. Now your honeymoon is over. You had better get used to it. There is an election in five months. The problems of housing affordability and homelessness are ongoing concerns and should be addressed in an ongoing manner, not, as we see here, with a huge one-off $33.2 million appropriation. It seems to me that this minister has dropped the bundle and is now frantically trying to pick it up.

How on earth was he able to have that money? Actually, he did say he had a time trying to get this money out of you, Treasurer. I understand that this is just an accounting mechanism through which you transfer an amount from one place to another—as I said, from one hollow log to another. As I was saying, the minister has dropped his bundle and is now frantically trying to pick it up. How on earth was he able to have $33.2 million approved by cabinet? That's amazing, irrespective of how he came by the money. Interesting.

Mr Quinlan: Probably a conspiracy.

MRS BURKE: He did say he had a time getting some money out of you. You would be interested in that, Mr Quinlan. Actually, you did very well to support him.

I also agree with the committee that the amount expended for the community inclusion board is an overlap of an ACT public service function, which is a feeling echoed by many in the community services sector. There is absolutely no need for another academic think tank to tell bureaucrats, politicians and the community sector what they already know.

A prominent member of the board advised me this week that this board needed to exist because there was no coordination. Isn't that a testament to the way that this lot organise things? I think that is dreadful. We have $9 million being used on a board when we already know the problems. That is shameful. Those in the community are not happy with it and argue that they already have appropriate consultative processes. They also argue that Hugh McKay and senior departmental officials are welcome to join them. Why use this money in such a way? $9 million is a lot of money.

Surely it is down to the minister and his directions to his department to coordinate services required and offered by the sector. This is merely more duckshoving by this government so that they will not be the ones making the hard decisions. It is all too clear. "Let's have another board, another layer. We can stand back. We don't have to take the blame. We can blame somebody else." Very sneaky.

Importantly, those in the community tell me they would much rather the $6 million or so appropriated for the board over three years went into hard service delivery outcomes. I have not heard your response yet. I also suggest that the minister might like to talk to his counterparts in South Australia, who have mentioned to me that their community inclusion board, on which the ACT board is based, has been a monumental failure over the last two years.

There have been some nice photos in the local paper and a lot of chat, but that has done little or nothing to improve homelessness. The drug situation is still spiralling out of control and families are falling apart, and for that they are paying $9 million a year. That is what we are going to do in the ACT: waste the same $9 million over four years. Brilliant.

I will spare Messrs Quinlan and Corbell further embarrassment regarding Phillip Oval. I think enough has been said on that.

Mr Quinlan: Go ahead. Tell us what you think. Give us the benefit of your knowledge.

MRS BURKE: I will. I think enough has been said on this to alert us to the fact that the process regarding the transfer, or surrender, of the lease for a football park in Phillip—

MR SPEAKER: Order, members!

Mr Pratt: Mr Speaker, I rise on a point of order. Under standing order 39, the interjections are getting beyond a joke.

MR SPEAKER: Fair point.

Mr Quinlan: So is her speech.

Mr Pratt: What are you trying to do? Collapse her from speaking?

MRS BURKE: No, they wouldn't do that in a month of Sundays.

MR SPEAKER: Fair point of order.

Mr Quinlan: I am encouraging it. Give us the benefit of your deep thought.

MR SPEAKER: Order, Mr Quinlan!

MRS BURKE: You might learn something, Mr Quinlan.

MR SPEAKER: Mrs Burke, direct your comments through the chair and members will cease interjecting.

MRS BURKE: Apologies, Mr Speaker, and thank you for your ruling. I think enough has been said on this to alert us to the fact that the process regarding the transfer, or surrender, of the lease of the football park at Phillip has left much to be desired. We can

leave it there. Despite the snide remarks of the government on page 10 of their response to the select committee's inquiry, I will be supporting the third appropriation.

MR PRATT (10.01): This will be painless; okay, relax.

MR SPEAKER: Mr Pratt, direct your comments through the chair and get on with it.

MR PRATT: I rise to make just a couple of comments. Of course we do support the appropriation bill. Firstly, the observation that I would make in relation to the ESB of course is that the expenditures for the accommodation and generator outlined in approp 3 are quite appropriate. My observation on that would be: why did it need to wait until appropriation 3 to carry out an introduction to service of equipment which, perhaps, should have been identified and appropriated for within 90 days of the January 2003 fires? It is good to see it there, and I congratulate the government for taking firm action, but perhaps four or five months too late.

In relation to the EBA and the $10.784 million appropriated: well, we clearly have to support that; there is no choice, there is no alternative there. We do understand the challenge that the government faces in terms of this New South Wales parity issue. So we will not be churlish and criticise that amount of money: of course not. Whether or not the government can find any more money is, of course, the $64 question. They probably cannot; I think you have probably gone about as far as you can possibly go, haven't you, minister, in terms of the EBA? But I would make the comment that we have decried the time it has taken for the negotiations. I guess we would wish the government had knuckled down in March 2003 to commence the negotiations and wonder whether those negotiations might have been expedited somewhat earlier.

On the fire fuel-management issue: the appropriation under DUS, Department of Urban Services, refers to funding of, I think, $0.3 million for the bushfire fuel reduction management plan. Of course we support that. I notice that $1.6 million had been appropriated in appropriation 2. That is a lot of money. We will not criticise that amount of money, but we would make the comment that the $1.6 million and the $0.3 million, concurrently in those two appropriations, I think, is probably a reflection of two years of catching up—two years of catching up to get to grips with the fuel management problem. There is a lot of fuel management to be undertaken.

If I could just move to one side on this issue and have a look at the comments in the select committee report on this particular issue, the bushfire fuel management plan: I notice that recommendation 7 in that committee report wanted to see all further expenditure and activity curtailed until there had been further inspections undertaken to see whether the authorities were clearing the right excess fuel. Well, I am highly critical of that. Surely, if we have learnt at least one thing since December 2001, and repeated after January 2003, it is that we must trust our emergency management authorities to get on with bushfire fuel management reduction.

We know that there are thousands of tonnes of excess fuel lying around the ACT and so we should support the government in appropriating the funding it has to get on with and expedite the operation of reducing that excess fuel. I am quite disappointed that a committee here has determined that that probably was not going to be a wise thing when, indeed, we are probably playing two years worth of catch-up and we need to

encourage the government, the government's authorities, its departments and indeed the new ESA to move as quickly as possible. And they should not be impeded by anybody in getting to the core of resolving this long-outstanding issue. Otherwise, what we have seen here in appropriation 3 is quite appropriate, and I wish the government well in getting on with it.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.07), in reply: Mr Deputy Speaker, I have to say, "Please forgive me, but I forget where this debate started; it was so long ago." So I will be brief. I would like to thank the committee for the work that they have done. I would like to thank Ms MacDonald for the work that she put in and the thoughtful dissenting report.

I just want to express some concern in relation to a couple of matters that the committee canvassed and which have been canvassed here for some time tonight. The commercial matter of the Phillip Oval is one. Somehow there seems to be the impression that the government ought to give up an asset worth $8 million for $800,000 or for nothing and that ACTAFL should be allowed to sell it to whomever they like, even though ACTAFL has inherited the magnificent facilities at Manuka Oval to use. That is one of the reasons it does not need to use Phillip Oval or maintain it and have not maintained it. If ACTAFL gets out of this deal with $800,000 cash it has done very well.

It seemed to me that the approach taken by the Estimates Committee was naive in the extreme and concerning because there seemed to be a representation by questioners in the Estimates Committee of parties who would want to be associated with a commercial deal. There seemed to be an assumption that those parties were dealing in absolute good faith and ought to be given every assistance, and the government, for its part, should just stand aside and let them benefit. This is not what the government could possibly do and honour its obligation to the taxpayer. We have an obligation to make sure that public assets are maintained and, if they are sold, there is the full return and the community's asset is not passed to another party at a knockdown, bargain-basement price.

I have heard some incredible nonsense here tonight, particularly from Mrs Cross, about what might have been done. It seemed to be all about: why didn't we allow the Hellenic Club to take over Phillip Oval? Well, why would we? It just so happens the Hellenic Club won the Club of the Year last week or so. It was not because they are stupid; it is because they are smart. You are dealing here with some smart people and they are not going to do a dumb deal. To place the oval in the hands of any other party for an extended period of time would require the government and maybe this Assembly to decide that we no longer needed it and the purpose to which that other party wished to put that asset was completely acceptable for good and all.

I have heard some nonsense and some things implied—implied in the questioning at estimates and in what has been said tonight—even Mrs Burke saying, "Well, we need to say no more about that," because she did not know any more about that. Nevertheless, there was the implication of some dark deeds when, in fact, what the government has tried to do was protect community assets.

I expect that members of the Hellenic Club are very honourable people. But they are business people, in the first instance, and they are smart. Well, the value of it to the

community, let me say, is $8 million—at last check by me. I stand to be corrected on that. But the nonsense that has gone on here tonight and the nonsense that went on in the Estimates Committee really does this place no credit whatsoever.

I will even take the further step in relation to the arrangements and the deal that the previous government had with Wizard and say that again there was just a presumption in all the questions that here was a small business being done down by this particular government's not honouring deals. That is an incredible assumption to have been made. Let me tell you: I have lived with this deal on and off for virtually all time we have been in government, and the deal is a shambles.

But I will guarantee you this much—I will not guarantee it, but I think it has been settled in recent days: Wizard has received more out of that contract because it was with the ACT government than it would have received from any other commercial party that it had a contract with. The way the contract was managed does no credit to WorkCover, but it does no credit to Wizard either. I will put on record that I believe Wizard has been very fortunate to have received the amount of money it received for the contract it set out.

I want to take just a little time to put on record the details of the contract: Wizard was building a system—a system that it believed would, after it was installed with WorkCover, become a commercial product which Wizard would be able to on-sell, and sell again and again. Therefore, it was prepared to use WorkCover as a test bed and was prepared to apply more labour and more resources to building it than the contract required. Beyond that, the system just ate up resources; it was either an ill-conceived or badly managed project; it ate more and more resources; and it turned out that the product probably would not sell anywhere else.

So what happens? Well, the government should pay for it all: "Because we cannot sell it; because the deal we had in mind does not work, the government should pick up the tab." We have this ridiculous situation where members of the government go before estimates and are questioned as if they are doing down some poor victim when this government, let me tell you, has bent over backwards to settle that deal amicably. I repeat: there is no chance that Wizard, if it were dealing with any other commercial company, would have received the settlement that it has finally received.

Really, most of the other stuff was the usual drivel that we are getting lately in this place, and I do not intend to respond to it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.16): I seek leave to move amendments 1 and 2 circulated in my name together.

Leave granted.

MR QUINLAN: I move amendments 1 and 2 circulated in my name *[see schedule 1 at page 2120]*.

I will be very brief on this because I expect Ms Gallagher to speak on it and explain the requirement for additional funds for child protection, and that is what the funds are for. I think most of the members know about it and it is a matter that has already been discussed in the Estimates Committee.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.16): I will speak briefly on this because there continues to be some confusion about what this money is for and how it could have been planned for.

The amendment includes an additional $4.582 million to bring the total cost of substitute care to $6.382 million. This is in light of figures that were returned at the end of March this year which showed not only a significant increase in the number of substitute-care days required for children in the care of the territory but also a substantial increase in the cost of that care—increases of up to and over $20 a day per child. This is not something that could have been foreseen.

I understand the Estimates Committee wants better planning done around this figure. It is demand-driven by the courts. And the cost of days certainly is not something that we have seen. What we are seeing at the moment is not only the rise in days but also the rise in cost of days. Whilst in other quarters we have seen rises in days we have seen decreases in costs and it has been able to be managed within the budget. That is not what we are seeing now.

In relation to this amendment, which directly refers to appearing at the Estimates Committee for a second time: the committee has formed the view that I somehow did not give them the information I was giving the public. In relation to that, I appeared before the committee and gave them all the information I had. At the same time, because it related to a lot of money that was in the budget, I had prepared a media release. I asked that that media release not be sent out until I had given my evidence to the committee, and that is my understanding of what happened. In fact, the committee did not ask me about this money, as it turned out, and I volunteered the information.

So the comment of the committee that I did not provide them with information is simply incorrect. The committee did not ask me what I was planning to do in the outyears. I volunteered it to the committee, and *Hansard* reflects that very accurately of course. I think the concerns of the committee are unfounded.

But this money is essential money. I am glad we have got the support of the Assembly for it. If members are still confused about TA, estimating days and costs of days, then I am more than happy to reengage with them for another hour of explanation around this, but I am not sure it would solve some of the confusion that seems to pervade some of the members and their inability to understand fairly simple accounting concepts.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.19): I table an explanatory statement to the amendments and supplementary budget papers. I present the following papers:

> Supplementary explanatory statement to the Government amendments.
> Financial Management Act, pursuant to section 13—Appropriation Bill 2003-2004 (No 3)—Amendment to the supplementary appropriation for the Department of Education, Youth and Family Services and revised Appendix 1: Whole of Government financial statements.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Suspension of standing and temporary orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent order of the day No 13, private members business, relating to the Electoral Amendment Bill 2002, being called on and debated cognately with order of the day No 1, executive business, relating to the Electoral Amendment Bill 2003.

Electoral Amendment Bill 2003

[Cognate bill:
Electoral Amendment Bill 2002]

Debate resumed from 20 November 2003, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MR DEPUTY SPEAKER: I remind members that in debating order of the day No 1, executive business, relating to the Electoral Amendment Bill 2003, they may also address their remarks to order of the day No 13, private members business, relating to the Electoral Amendment Bill 2002.

MS DUNDAS (10.22): The ACT Democrats will be supporting the Electoral Amendment Bill 2003 in principle and also will be supporting the Electoral Amendment Bill 2002, as presented by Ms Tucker, in principle. The government's bill originates from the review of the Electoral Act conducted by the Electoral Commission, which was completed in 2002. The commission made a number of recommendations that have been picked up by the government in this bill.

I will start by noting that it is extremely important that our electoral framework is continually monitored and updated to reflect the best practice of democratic inclusion for the people of the territory. While the electoral system is only one part of a democratic system of government, it is probably the most fundamental, by ensuring that those who are given the power to make laws and govern are directly chosen by the people.

The ACT has been at the forefront of democratic reform in Australia—for example, through our use of a more representative electoral system in the form of Hare-Clark with Robson rotation and through the introduction of electronic voting and computer-assisted counting. I know that the Electoral Commission has been a strong and worthy advocate of electoral reform and I thank the commission for playing this important role, while ensuring that it maintains a non-partisan role in the conduct of elections.

The Democrats broadly agree with most of the recommendations of the commission that have been adopted in this bill. We think that the proposals that tighten the eligibility requirements for political parties are worthy amendments that ensure that political parties meet the registration requirements in a clear and fair manner. The Democrats have long been advocates of greater regulation of the operation of political parties, given their central role in the operation of the political system in Australia.

The Democrats also agree with the changes to postal voting to increase the likelihood of postal votes actually being included in the count, the changes to ensure that the Electoral Commissioner is not required to review his own decisions, and the additional requirements in relation to electoral advertising. However, removal of the ability for non-party groups to be listed in a separate column has raised some issues.

The commission has put a number of arguments on the practicality of having these additional columns, such as that they make the ballot papers longer and make it difficult to fit all candidates on the screen during electronic voting. The commission also points out:

> …the facility for candidates to stand in non-party groups is most commonly used as a vehicle for two or more candidates to distinguish themselves on the ballot paper by being listed in a separate group. There is no requirement or expectation that candidates listed in a non-party group have anything in common other than a desire to be listed together in a separate column. Indeed, it is possible that one of the two candidates listed in the column may only have agreed to be nominated in order to allow the other candidate to be listed in a non-party group on the ballot paper.

These claims are no doubt true in some cases, but I am not convinced that they are sufficient to justify the elimination of non-party groups.

Large ballot papers can be difficult for voters to find their preferred candidates, but our ballot papers are not as large as the Senate ballot papers or other upper house ballot papers, such as those in New South Wales. In fact, despite the reforms of the New South Wales ballot paper in recent years, the number of candidates did not get much smaller. Administrative simplicity is not a good reason to remove columns. The democratic representation of candidates is the primary concern of the ballot papers and that should not be diluted by administrative convenience.

I would also argue that our system of Robson rotation is specifically designed to draw attention to the differences between candidates, even those who run in the same column. The Robson rotation system is recognition that the decisions than an assembly produces are influenced not only by the size of the political parties or the number of Independents, but also which specific members of each party are elected and their individuality.

It is also the case that Independents and members of non-party groups are not necessarily the same. It would be hard to argue that Clover Moore and Brian Harradine are both Independents and therefore, if they ran in the same election, they should be grouped in the same column. Simply because candidates are Independents does not mean that they should not be able to distinguish themselves on the ballot paper.

I note that, if this bill were to proceed in its current form, Independents would be forced to be listed in the far right column of the ballot paper. The current Electoral Act does not insert the ungrouped column randomly like other groups. It has always been the final group on a ballot paper that generally reads from left to right. That would put Independents at an additional disadvantage. I understand that Mr Stefaniak will be moving amendments to ensure that non-party groups may remain on the ballot paper. As I have indicated, the Democrats support that.

I have prepared an amendment that deals with postal ballots. This issue was raised by the Electoral Commission in its report. It was not including specifically as a recommendation. However, it was included as a recommendation in the commission's 1999 review of the Electoral Act. The main point of this amendment is to prevent political parties and candidates from having an inappropriate role in the conduct of an election. I will speak more to my amendment in the detail stage.

I understand that amendments are still being circulated and more issues are being put on the table as we speak tonight. They relate specifically to ballot groups and other issues and I will go into those in the detail stage.

Ms Tucker's bill, the Electoral Amendment Bill 2002, seeks to insert a number of sections that were previously removed by former assemblies. The removal of these sections has not improved the accountability of political parties in the ACT. I think it is deplorable that the major parties in this place had previously amended the Electoral Act to suit their own purposes, rather than the need for an open and accountable political system.

Michael Moore pursued this protest in the past and Ms Tucker has carried on that pursuit. I hope that the major parties will realise that their first duty is to the people of the territory, not just to a political party. It is essential that the people of the territory trust their political system and the regulation of political parties, including the disclosure of political donations, is essential to maintaining that trust.

In my mind, the most important part of this bill is the closing of the loophole in the current act that allows a political party to be exempt from disclosing a political donation if the individual donation is less than $1,500. The result is that a party could receive multiple donations of under $1,500 from a business or a person and not have to disclose these amounts, even if they add up to more than $1,500. As long as all donations are individually less than $1,500, the fact that they may total many thousands of dollars is irrelevant for the purposes of disclosure. That is a major loophole in this act and undermines the intentions of the disclosure provisions. That is why the Democrats will be happy to support Ms Tucker's bill as well.

MR STEFANIAK (10.29) The Liberal Party will be supporting the Electoral Amendment Bill 2003; but, as Ms Dundas says, we want to see a number of clauses deleted, for very good reason. We will not be supporting Ms Tucker's bill, which is basically a regurgitation of what she would have liked to have seen happen in 2001. I note that she has upgraded a few things there in amendments that she has just circulated, but we will not be supporting her bill.

In relation to the Electoral Amendment Bill 2003, the Electoral Commissioner, Mr Green, put forward a number of suggestions and this bill has been placed before the Assembly. It has had a rather tortured history. I think that it is coming up to 12 months that it has been going on. It has been a bill that has been put off and put off, and here we are debating it at 10.30 tonight.

Might I say on what has been put up by the government, that there is a certain attraction in having a ballot paper which would be a lot cleaner and would have only five columns for each electorate—Liberal, Labor, Greens, Democrats, and others However, that is not what democracy is all about. Canberra has got used to the Hare-Clark system. It is also a city that likes to vote for a wide range of candidates. Indeed, the Liberal Party see absolutely nothing wrong—in fact, we think it is healthy for democracy—if like-minded Independents or even ballot groups want to form and be accorded a column on the ballot paper. Accordingly, we will be opposing a number of clauses of the bill which would take out those ballot groups and non-party groupings.

We thing that is good for a democracy. I can recall being asked in an ABC interview concerning one of the false starts on this bill about why we, a major party, were opposing a bill that was going to get rid of all the funny little Independent groupings. I do not know whether the interviewer believed me, but I said that actually it was good for the democratic process. People can tell whether they want to vote for Independents or not. We have seen Independents voted into this Assembly and we have seen Independents voted out of this Assembly, depending on the mood of the electorate at the time.

The people of Canberra, just like the people of the rest of Australia, are not fools. They know exactly how they want to vote at any particular time. If a government displeases them, they will put in another one. If members displease them, they will get rid of them and give new members a go. I think that it is eminently fair that this situation continue. Accordingly, we will be opposing a number of clauses, namely, clauses 12 and 13, 20 to 33, 35 to 40, 42 to 47, 49 to 53, 55 to 57, 59 to 61 and 66. They will have, effectively, the same result, so I will only speak briefly on one occasion in relation to them. I hope I have the numbers on those because, depending on that, after clauses 12 and 13 we will go to the government's blue amendment sheet as opposed to the white amendment sheet.

The government is now changing its bill and wants also to exclude the ballot groupings. I suppose I should give the definition for that. A registered ballot group is a group of candidates with a sponsoring MLA who is not a member of a registered party. A non-party group, which I have been talking about until now, is two or more candidates grouping under one column on a ballot paper.

We have had a number of registered ballot groups. I am not too sure if the Michael Moore group was one, but we certainly had the Osborne group. Some members here, certainly members of the Labor Party, did not like that and some other members probably did not, either, but those members were put in by the electorate. They formed a group in 1998 which got two members in. The electorate did not like them in 2001 and out they went, all part of the very strong democratic system we have here. We certainly will be opposing the government's attempts to take out the ballot groups as well.

Just to give a quick indication of what we will be doing, Ms Dundas pointed out that she had an amendment. We had a round table discussion which I found particularly useful. We had several round table discussions, but I am referring to the latest one. Ms Dundas has a very sensible amendment in relation to postal votes and persons sending them back direct to, I think, the Electoral Commissioner rather than to a party. We do not have any problem with that; we think that it is quite transparent.

We do not, however, agree with moving the column for Independents and putting it in the general ballot—I will speak more about that at the time—and we do not agree with dropping the number of members for a political party to below 100. Several other amendments will be coming up. We are quite comfortable with Mrs Cross's idea, which I note is for this election only, of enabling parties to register after the cut-off time of, I think, 30 June or 1 July. I note that she does not intend to have it to go beyond this electoral cycle.

That is an indication of what we will be doing with the amendments. We are happy to support the government's bill, with those provisos, and will be opposing Ms Tucker's bill.

MS TUCKER (10.35): This long-awaited bill implements some recommendations of the Electoral Commissioner following his review of the processes of the last election. This is a regular review and is an important part of keeping our electoral system working well for democracy. That is not to say that we necessarily support without debate the recommendations of the commissioner, but I would like to acknowledge the importance and usefulness of the report, which sets out arguments and analysis each time.

While the delays on this debate sometimes have been frustrating, sometimes almost amusing, I think that it is worth noting that the decisions to adjourn the debate have been made at times because of the need for everyone to understand the range of amendments proposed. Everyone here has amendments in one form or another. We have just had some more from Mr Stefaniak which, I have to say, I do not like—not that I do not like the amendments, but that I do not like getting amendments at this point in time.

I think that these delays in the past have been largely sensible and good process. When we are considering changing the electoral system, we should make sure that we know what we are doing. However, we are nearing the time when it would be too late for these changes to be put into effect for the forthcoming election, so it is certainly time to have this debate.

The Greens support the bill in principle and most of the substance of the bill. We will, however, join the opposition in opposing the removal of non-party groups and we will be

supporting Ms Dundas's amendment regarding the circulation of postal ballots. This is the third round of reforms to the Electoral Act concerning the disclosure of electoral and other political donations that I have been involved in and there is a striking pattern. The major parties have reduced the amount of disclosure and the smaller parties or Independent members have tried to increase the amount of disclosure. In the Electoral Amendment Bill 2001, for example, the Liberal Party, then in government, proposed initially to increase disclosure, but in the end they reversed their position and decreased disclosure.

As I said in my tabling speech for the Electoral Amendment Bill 2002, there are good democratic reasons for closing loopholes and for decreasing thresholds for disclosure, as proposed in my bill. However, while the government's Electoral Amendment Bill 2003 includes some useful changes on disclosure of electoral funding, it heads in the opposite direction to my bill. There are only two sections which both bills seek to amend, 217 and 218, so I will be moving those parts of my bill as amendments to the government's bill rather than as part of my bill. I will make further comments in the detail stage.

MRS CROSS (10.38): There are two bills before us and I will speak to both of them. I support much of the government's bill, but I am against all the clauses in it that relate to the banning of non-party groups. I think the intention to ban non-party groups is undemocratic, unfair and unequal. The reasons given for it both within and outside this chamber are unconvincing to me, Mr Speaker.

It is said that removing non-party groups would give voters a clearer picture of the backgrounds of particular candidates, but how does that possibly make sense when the intention is to lump the non-party candidates into one column, thereby blurring even further the differences that exist between them? In practice, it would do exactly the opposite of what the minister is claiming.

It is also said that the move would reduce the opportunity for mischievous frustration of the electoral process through causing ballot papers to be too large. I have to say that I never dreamt that someone would come up with such an excuse. In the midst of all the recent talk of rights, equality and so forth, something like this non-reason is trotted out to fill the space in a paragraph to make it look as if the proposal has been logically derived.

What is the form of that possible mischievous frustration that Minister Wood has alluded to? Why, on the remote chance of a possible mischief, should the group be subjected to pre-emptive punishment? Why should the size of a ballot paper be considered so important, Mr Speaker? Why should that bit of irrelevance be considered more important than the ideals of fairness, democracy, non-discrimination and equality?

The reasons given as justification for this section of amendments to the bill do not hold water. That means that the real justification is something else. It is difficult not to conclude that the something else is more like setting out to diminish the prospects of Independent candidates.

It also diminishes the spirit of the Hare-Clark system, in which it is stated, as characteristic of the system, that Independent candidates are included in one or more ungrouped columns on the ballot paper. This, no doubt, deliberately accords a degree of significance to Independent candidates, but this amendment bill would strip them of that.

Most changes in a democracy are progressive, but this part of the amendment bill is anything but progressive. I therefore oppose all clauses relating to the banning of non-party groups.

It is interesting to me that the Chief Minister will be moving amendments to this bill relating to sitting Independent members and how this debate has been delayed for quite some time. The Chief Minister wanted it delayed in, I think, the last sitting because he said that he wanted to get his head around it, but this government was prepared to barter this bill in exchange for support on other bills, which obviously shows contempt for what it is trying to do today.

Ms Tucker's bill seeks to impose greater disclosure requirements on parties and MLAs in regard to their electoral funding and expenditure. The primary element of the bill is to reduce the level of donations that have to be counted for determining whether the details of the donor and amount donated have to be disclosed in the annual return to the Electoral Commissioner.

The majority of the bill deals with a simple reduction of figures, gifts and donations over a new lower figure that would have to be reported in the annual return. The bill has a clause, proposed new section 230 (7A), that requires MLAs to distinguish between gifts and other receipts in their annual return and to state the purpose of non-gift receipts. The bill also requires particulars of any payment to an individual or organisation of $1,500 or more to be reported and all amounts over $500 must be reported.

The final major component of the bill is that registered parties that would previously submit their annual return to the Australian Electoral Commission as their return to the ACT Electoral Commissioner can no longer do so. I support Ms Tucker's accountability measures. I have no problem in declaring donations that I receive, irrespective of the amount. I just wonder whether one of the many reasons that this government decided to delay the debate on this bill was to get as much of its fundraising out of the way as possible so that it did not have to declare the larger amounts.

I will speak further in the detail stage on the amendments that have been circulated.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.43): Mr Deputy Speaker, the provisions of this bill are based essentially on recommendations made by the ACT Electoral Commission in its report on the operation of the Electoral Act 1992 during the 2001 ACT Assembly election. The government supports all of the recommendations put forward by the Electoral Commission in its report.

The amendments included in this bill are primarily aimed at clarifying some procedures and removing inconsistencies. They do not constitute major changes to the ACT's electoral arrangements, which have now been successfully tested at three general elections using the Hare-Clark system.

As stated in the presentation speech for this bill, the measures listed in the bill include changes to the party registration scheme to clarify membership requirements, the removal of non-party groups from ballot papers, changes to postal voting procedures to increase the chance that votes will be included in the count, preventing the Electoral

Commissioner from taking part in a review by the Electoral Commission of a decision not to conduct a recount of ballot papers, and bringing all the disclosure thresholds up to the same amount to remove inconsistencies in the current disclosure scheme.

I foreshadow that the government intends to move amendments to the bill to remove the provisions related to the registration of ballot groups. Last year's events in Queensland regarding the registration of the One Nation Party have demonstrated the importance of having a robust party registration scheme. The amendments to the party registration scheme included in this bill are, in part, intended to clarify and strengthen the Electoral Commissioner's power to verify that a party has the required number of members for registration.

These changes are intended to ensure that only political parties that demonstrably have 100 members will be able to apply for registration. By contrast, at present it is possible for a party to apply for registration before it has attained the necessary number of members needed for registration.

The bill brings forward to 30 June in an election year the latest date on which an application for party registration or an application to change the name or abbreviation of a registered political party may be made before an election. This cut-off date will ensure that there will be adequate time for verifying that a party is entitled to registration. It will also allow time for appeals against the decision to register a party to be made and considered before the election period commences.

By contrast, under the existing provisions, a party can wait until the last possible moment before applying for registration, leaving little time for checking the party's credentials and no time for appeals to be heard against the registration. Again, bearing in mind the events surrounding the registration of the One Nation Party in Queensland, this change should serve to improve the ACT's party registration process.

The bill removes the provisions that allow candidates to form non-party groups on the ballot papers. The government intends to move amendments to the bill to remove the provisions related to the registration of ballot groups. Taken together, these measures will ensure that only candidates belonging to registered political parties will be able to be listed in groups on ballot papers. All non-party candidates will be listed in ungrouped columns on the ballot papers.

In making its recommendations to remove non-party groups the Electoral Commission noted that, in the days before political party affiliations were listed on ballot papers, a non-party group was seen as a collection of like-minded candidates campaigning on a common platform. These days a non-party group is arguably just a vehicle for two or more candidates to distinguish themselves on the ballot paper by being listed in a separate column. Candidates in a non-party group are no longer expected to have any connection with each other beyond a desire to be listed in their own column.

I understand that amendments will be moved to retain the provisions related to non-party groups. For the reasons I have outlined, I consider that non-party groups no longer serve an electoral purpose and the government will oppose these amendments. The ballot group provisions were included in the Electoral Act before the 2001 election as part of a reform of the party registration scheme which saw the abolition of the concept of

parliamentary party which allowed any MLA or any member of a parliament in another jurisdiction to register a political party without any membership requirement at all.

The current registration model is a two-tiered scheme consisting of registered political parties all of which must have at least 100 members who are ACT electors and registered ballot groups established by Independent MLAs. In considering the operation of this two-tiered arrangement, the government has concluded that it would be preferable to put all registered ballot entities on an equal footing rather than giving Independent MLAs an advantage over other candidates and allowing them to register a ballot group name without any demonstrated community support at all. These amendments would remove all references to ballot groups in the Electoral Act and require all political participants to register a political party containing at least 100 members if they wish to have a party name listed on the ballot paper.

The bill also provides that postal vote applications from electors who are overseas must be received before the last mail delivery on the Friday eight days before polling day. This will allow for the time needed for mail to be delivered to and from overseas locations and should serve to increase the probability that an overseas postal vote will be received in time to be included in the count. As the Electoral Commission reported, at the 2001 election all postal votes sent to overseas locations in the week before polling day were not able to be returned in time to be counted. This bill will correct an anomaly that emerged during the 2001 election related to recounts of ballot papers.

The bill provides that the Electoral Commissioner will not be permitted to take part in any deliberation of the commission in relation to a review of a decision by the commissioner not to conduct a recount. This will bring this process into line with the principle that a person should not consider appeals to the person's own decisions. Finally, this bill increases a range of thresholds used in the disclosure scheme to a standard $1,500. These changes will remove a number of inconsistencies and inequities in the current disclosure scheme, ensuring that different types of political entities will be treated in the same way.

I understand that Ms Tucker intends to move amendments aimed at breaking the nexus between the Commonwealth and the ACT disclosure schemes and removing the provisions that allow parties, MLAs and associated entities not to take account of individual donations of less than $1,500 when determining whether a donor has to be identified. I believe that there is good reason to maintain the nexus between the ACT and the Commonwealth disclosure schemes. Maintaining the nexus ensures a lighter administrative burden for political parties when keeping records and making returns under the disclosure provisions.

Under the current disclosure scheme, even though parties are not required to take account of small donations in determining whether to disclose the identifies of donors, there is still a requirement imposed on all donors who give more than $1,500 to a party in a financial year to give the Electoral Commissioner an annual return. In other words, there is a legal obligation on all donors to submit a disclosure return if they give more than $1,500 to a party, regardless of the size of the individual amounts.

The current law does require all significant donors to disclose the details of their contributions to parties, MLAs and associated entities. Donors who fail to submit returns

when they donate above $1,500 do so at risk of prosecution by the Electoral Commissioner. I note that a recent audit conducted by the Electoral Commissioner identified several donors in this category who have now submitted returns that are available on the Electoral Commission website.

Given that significant donors are obliged to submit disclosure returns, there does not appear to be any justification for imposing an onerous reporting requirement on parties, MLAs and associated entities that would require them to go into the detail of every small donation made to them. For these reasons, the government intends to oppose any disclosure amendments.

Turning to the other amendments to this bill that have been foreshadowed, I understand that Mrs Cross intends to move amendments aimed at reducing the number of members needed to register a political party from 100 to 50. It is the government's view that a political party should be representative of a significant number of ACT electors if it is to enjoy the benefits and responsibilities of registration under the ACT's Electoral Act.

Registration under the Electoral Act is a signal to voters that it is a real political party with a genuine support base and a constitution that is made publicly available for anyone to see. Just where the bar should be set for how many members are needed to demonstrate a genuine support base is, of course, somewhat arbitrary. However, the ACT has adopted 100 members as its standard and those parties that have been registered in the ACT have apparently had no difficulty in meeting this requirement. The government will therefore oppose this amendment.

Another amendment has been foreshadowed that would provide that the ungrouped column of candidates is to be included in the random draw for column order so that it could appear in any position on the ballot paper. It is my view that this proposal would simply serve to confuse voters. The purpose of a ballot paper is as a communication medium to voters. It is a recognised feature of both ACT and Senate ballot papers that ungrouped candidates appear in the right-hand column or columns.

Voters wanting to vote for ungrouped and Independent candidates should know to expect this. If the ungrouped columns were to be included randomly anywhere on the ballot papers, voters might not be able either to find them or to recognise them for what they are. Printing ungrouped candidates always in the same place is a longstanding convention and I suggest that including them in the random draw for positions may be more likely to lead to people not voting for them than otherwise. The government will oppose this amendment.

Ms Dundas has foreshadowed an amendment to make it an offence to induce a person to complete a postal vote application and return it to an address other than an address specified by the Electoral Commissioner and to make it an offence to solicit postal vote applications that are not in the approved form. This amendment seeks to remove the ability of parties to include applications for postal votes in their own material, with the party's address given as the return address.

This system is utilised in every federal election and was used at the 2001 ACT election. In every federal election, including here in the ACT, candidates, political parties and others distribute throughout the electorate declaration forms for postal votes. It seems to

the Labor Party that there is absolutely no reason why, if candidates for election or persons or organisations involved in the political process engage in this activity for federal elections in the ACT, affecting the very same constituents we service, we should not allow the same opportunity or capacity to people participating in elections for this parliament. There is no reason at all to discriminate between the two.

It is a service that, at times, many constituents, particularly the elderly, the less mobile, the frail and carers caring for people who cannot leave a house with ease, find invaluable. This sort of assistance is invaluable for so many people within the community. It is a service to constituents. It applies currently in the ACT in relation to federal elections. There is absolutely no reason at all not to make the same service available in relation to local elections, absolutely none, and the government will oppose the amendment.

The measures contained in this bill are intended to ensure that the ACT continues to follow best practice in the conduct of its elections. I commend the bill to members.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Proposed new clause 3A.

MS DUNDAS (10.55): I move amendment No 1 circulated in my name, which inserts a new clause 3A *[see schedule 2 at page 2120]*.

This amendment is actually a consequential amendment to my second amendment, which goes to the issue of postal voting. My second amendment includes an offence under the Criminal Code, but I will talk to my two amendments when debating the first amendment.

At the last election, political parties and others were permitted, for the first time since the introduction of Hare-Clark in the ACT, to induce electors to return completed postal ballot application forms to an address other than the address authorised by the Electoral Commissioner. In its 1999 report the commission addressed this issue in detail:

> … this practice introduced two additional steps in the process of applying for a postal vote: the mail from the elector to the party and the mailing of an application form back to the elector. Complaints received by the Commission indicated that some electors missed out on voting because of the additional delay caused by this practice.
>
> ….
>
> Parties that send mail to households asking voters to write to them about postal voting are potentially disenfranchising voters. Voters may be disenfranchised for two reasons: the delay caused by the "detour" through the party can mean a voter will miss the postal voting deadline and not be counted; or a voter encouraged to use a postal vote who might otherwise vote at a polling place or pre-poll voting centre

> may have his or her vote rejected at the preliminary scrutiny if he or she fills out the postal vote forms incorrectly …

The quote continues:

> … the model to grant parties the right to solicit postal vote applications would arguably give parties an administrative role in the conduct of an election. The Commission cautions that this may not be seen to be appropriate, particularly if some electors are not able to vote because of delays or mistakes made by a party. The Commission is also concerned that some electors may confuse party applications with Electoral Commission applications, and be offended by receipt of unwanted party material.

There is also a very real issue about the privacy of voters, especially if they are giving out information that might indicate they will be away from Canberra on a polling day and that their home will be unoccupied. This information should be kept in strict confidence, and the proper authority to do that is the ACT Electoral Commission.

I would like to make it clear that this amendment does not prevent political parties from encouraging voters to vote. It is still possible for political parties to give people information about postal voting, support the voters' intention to do so and provide them with the appropriate forms. However, they then need to ensure that those forms specify that the postal vote information should be returned to an address specified by the Electoral Commissioner and not to a political party. They will still have the opportunity to support postal ballots in the ACT and to hand out that information. But the postal return address must be to the commissioner or to an address specified by the commissioner.

This amendment is about protecting the separation between campaigning in an election and the independent administration of the election by the Electoral Commission. It is essential that these two roles remain separate and that voters retain their trust that elections are administered independently and without political bias.

The Chief Minister in the in-principle stage put forward another objection to this amendment based on not wanting to confuse people about the difference between federal elections and ACT elections, when quite obviously there are many things that are different between the way that ACT elections are run and administered and the way that federal elections are run and administered. There is no problem with making this change in that sense. It is only a quite recent change to the ACT electoral system, and I think it is a change that has actually resulted in a bad outcome for voters and we should now prohibit political parties or other people encouraging people to send postal ballot information back to the political party or their registered office as opposed to making sure that information goes straight to the Electoral Commission.

MR STEFANIAK (10.59): As I indicated earlier, we will be supporting this amendment, which is consequential on Ms Dundas's second amendment to 16A. I think she has actually been quite erudite in stating the good reasons for it. Obviously there is nothing to stop a party giving a person an application to vote. I think it should go back to the actual Electoral Commission. It makes eminent sense, and I think there are some actual protections there for a party too in case something sort of goes wrong, which actually can lead to an offence. So we will be supporting that and the next amendment.

MS TUCKER (11.00): This is the first of a set of amendments that Ms Dundas has put forward. They seek to implement earlier recommendations of the Electoral Commissioner, although they were not highlighted in the most recent report. The problem Ms Dundas seeks to address is that political parties or other political candidates have at times suggested that voters who require a postal vote send their application for a postal vote to the party who will then forward it to the Electoral Commissioner.

Several potential problems arise. First, it is possible for the receiving party to forget to pass on the registration forms, which disenfranchises people. There are penalties for this. But the damage is done as far as that person's vote in that election is concerned. Secondly, it tends to undermine one of the fundamental pillars of the democratic system, that the body running the elections is totally independent of any political party. There are also some privacy concerns involved. While parties and candidates can and probably should do what they can to encourage people to register to vote, including to register for postal ballots should they need one—and this means handing out the relevant forms—the forms should only be returned directly to the Electoral Commission.

The Greens support Ms Dundas's amendment and the rest in this package throughout the bill.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.01): As I indicated, the government does not support this amendment. I do not think there is absolutely any justification for it; I do not think there is any evidence that the system that operated in the ACT at the last election, and operates in every jurisdiction in Australia, has worked to the disadvantage of any electors at all. I do not think a scintilla of evidence has been produced to back up the assertions that are made by those that are supporting this. Not a scintilla of evidence has been produced to suggest that in the last ACT election a single elector was disenfranchised or disadvantaged as a result of the operation of this particular provision in our Electoral Act.

I challenge any member of this place who has stood up today to support this amendment to provide that scintilla of evidence of a single constituent that was disenfranchised or disadvantaged as a result of the operation of this particular provision in the Electoral Act. Give me one example. Give me one name of a person disadvantaged or disenfranchised as a result of the operation of this law. Give me the name of one elector that has come to you as a constituent and said, "I was disenfranchised." You cannot. You cannot do it.

This is a very good service provided by political parties, political aspirants and political candidates to the elderly, to the frail, to those who do not have mobility, to those who actually seek some sort of assistance. They will not get the same level of assistance; they will not get the same level of support. There is absolutely no justification or evidence—not a scintilla of evidence—to warrant this amendment. One must therefore ask why it is that it is being pursued. And we all know in our hearts why this is being pursued.

MRS CROSS (11.03): This still Independent member will support Ms Dundas's amendments. I make the comment that if the Chief Minister is going to go on like this about this mild amendment I can only imagine that we will be here till breakfast with all the rest.

MR DEPUTY SPEAKER: We will indeed.

MRS CROSS: Yes, Mr Deputy Speaker. It is interesting that he should say that there is been not one scintilla of evidence and not one complaint, and yet he is putting forward a heap of them that he was prepared to barter with on—what?—complaints or on recommendations made, which is interesting. I have information from the father of the Hare-Clark system—I suppose you would call Bogey Musidlak the father of Hare-Clark in the ACT, or the cousin—which says that, in regard to recommendations from the ACT Electoral Commission, it is interesting that, yes, they did a review of the Electoral Act in 2001, but that does not mean that the recommendations are all desirable and you have to take them on.

We must remember those words from the Chief Minister "not one scintilla of evidence". Let's use that with every amendment that he has put forward or that has been circulated; let us use that; let us remember those words; and let us throw them back at the Chief Minister and see whether any of this smacks of hypocrisy—I withdraw that.

Proposed new clause 3A agreed to.

Clause 4 agreed to.

Clauses 5 to 9, by leave, taken together.

MRS CROSS (11.06): I seek leave to move amendments Nos 1 to 3 circulated in my name together.

Leave granted.

MRS CROSS: I know that they are going to go down. I move amendments Nos 1 to 3 circulated in my name together *[see schedule 3 at page 2121]*.

Amendments 1, 2 and 3 relate to reducing the number of members who have to belong to a party from 100 to 50. I know they are going to go down so I am not going to speak any further to those three.

MR STEFANIAK (11.06): She is right, Mr Deputy Speaker; we're opposing it.

MS DUNDAS (11.07): I actually think that these amendments warrant some debate. They are issues that are important and look at exactly how we define a political party in the ACT. Currently a political party is required to have at least 100 members eligible to vote in the territory in order to register under the Electoral Act. However, this number is, as the Chief Minister himself indicated before, an arbitrary choice. It is not based on any evidence or proportion of the population. There is a genuine question as to whether it is appropriate.

This requirement was originally proposed after the early elections in the ACT when the electoral system was still a modified d'Hondt system. As some members will remember, this electoral system had a much lower quota and there was some concern at the sheer number of political parties that were registering. The 100-member limit was designed to

severely limit the number of members as the original open registration system was being abused.

However, given the fact that we now have a different electoral system, is that logic still valid? Are a high number of members necessary to ensure that that party registration is not abused, particularly in light of the fact there are other means to secure a separate column in the act as it stands? So I think that Mrs Cross's suggestion has some merit and I think that we should be debating it a little bit more.

The formation of new political parties is an important element in the evolution of our democratic system. Imagine what Australia would look like if we only had the same old political parties operating and there had not actually been new political parties entering the scene. Placing unnecessary barriers in the way of formation of new parties reduces the choice of voters and it does actually restrict democratic evolution. A purely self-interested party would of course not like to give itself more competitors, but I think we need to look beyond that to our wider democratic ideals.

Because of our electoral system, additional registration of parties is unlikely to give rise to feeder tickets because we do not have above-the-line voting as we have seen in the New South Wales upper house. And, equally, there is no evidence of the minimum number of people required for a political party to operate effectively. I think that that is amply demonstrated by our hardworking community groups that have only a few committed people working to achieve a great deal.

Membership numbers are by themselves a very poor indicator of the legitimacy of a political party. Perhaps members do actually have alternative views on what the numbers should be; it is, again, a debate that I think we should be having. I am aware that these amendments will not pass, but the question is a worthy one and it does merit further consideration.

MS TUCKER (11.09): The original change in clauses 4 to 11, to require the list of names and addresses of 100 members to be submitted at the same time as the application for registration of a political party, is to deal with ambiguity about when the 100 members must be counted. The members must also be correctly enrolled to vote in the ACT at that time. The 100 members threshold has been in place in the ACT from the beginning, in 1994. However, it has not been clear in the law that the members are required for the application to be accepted. This amendment makes that case.

Mrs Cross's amendment is to lower the minimum number of members required to form a party from 100 to 50. In 2001 the Assembly removed the alternative party registration route of a party's status being conferred by connection to anyone elected to a parliament anywhere in Australia. The aim in determining an appropriate minimum number of members is to find a balance between requiring a large enough group of people to take a claim of party status seriously and a number not so large that it is difficult for a new group to become established.

Mrs Cross has moved an amendment, to reduce the number to 50. This amendment first came up in discussions on the effect of the removal of non-party groups. It was designed to make it a bit easier to form a party. The Greens, for instance, hovered at membership just above 100 for many years and we certainly believe we are, and have always been,

a seriously intentioned party. For a new party, it can be more difficult to establish. In a democracy we want to have a balance between allowing new forms of organised political expression and a confidence that when someone puts themselves forward as a party there is a democratic organisation of citizens behind the name.

This is a long-standing arrangement, not to be given up lightly. In other jurisdictions, for example New South Wales, the requirements of party registration were changed in recent years to increase the number of members needed. This, however, was to deal with front parties where a misleading name such as the national parks—speaking hypothetically; I can't remember the exact party—was used for a group which actually had a strong link to a party which wanted to remove lots of protections to national parks.

In their electoral system, the preference flows are determined by the parties involved. When someone votes for a party above the line, the preference flows are hidden. We do not have the same risks here because our electoral system allocates preferences entirely according to voter preference. Apart from the problem of misleading names, it is the party-directed preferences that create the potential for this situation. We do not have that here.

However, there are still questions about what is an adequate size. I was personally quite sympathetic to reducing it to 50. The 30 of the original amendment certainly seemed too low, but 50 seemed more reasonable. The problem in assessing this is that there is no formula for an adequate size of party per electorate size, or per quota size, or per population size. It is all decided pretty much at a guess and a kind of informed gut feeling.

We will be now retaining non-party groups, which still gives like-minded people the opportunity to draw attention to their association. So we have lost one of the motivations for this change. We are still left with a value in a democracy of facilitating new groupings to articulate with policy positions and take on the issues that matter, new issues. In the last election the Nurses Party and the Liberal Democrats were able to form a party, so it is not an impossible barrier.

In discussion within the Greens party we came up with a range of views. The majority feeling, however, was that 50 was still too low. There is some sympathy, though, I think for revisiting this question. Maybe 75 would be okay. I understand this is an academic question because the major parties will not be supporting this change. At this stage I cannot support the amendment, but I think it is worthy of debate.

Amendments negatived.

Clauses 5 to 9 agreed to.

Clause 10.

MRS CROSS (11.14): I move amendment No 4 circulated in my name *[see schedule 3 at page 2121]*.

The purpose of this amendment goes to delaying by only a month the date by which a party can be formed or registered. The reason that I have moved this amendment and put that date is the delay by the government in having this bill debated.

No-one can predict what is in the minds of the people who decided the delay, but one can speculate. I suppose we tend to be rather cynical. So I would suspect that one of the reasons is that the longer you delay the debate on this bill the more you disadvantage those in the community who wish to form a party; and, of course, the less time they have to do that, the better it is for the government—I assume. Given that they assume they are going to have a majority after the next election, this disadvantages others. It is the only thing I can think of. But I could be wrong.

So I have asked that the crossbench and the opposition—maybe the government—consider extending the date to 31 July, substituting that for 1 July, to allow that time, given that it was the government that delayed the debate on this bill. That would give those who wish to register a political party time to meet the criteria in order to register that party.

MR STEFANIAK (11.16): The opposition will be supporting this. It is appropriate for a number of reasons. The debate on this bill has only just occurred now, that is, halfway into May.

Also, I had a note from Bogey Musidlak on this. He is a bit of a doyen in relation to these things. He states that bringing forward the time by which parties and ballot groups must be registered might be administratively convenient. He referred to some of the uncertainty to which the Electoral Commission also referred in its report—that this should be weighed against the possibility that some groups only become certain rather late in the life of an Assembly that the current registered parties do not reflect their views strongly enough and that they, therefore, wish to enter the political fray directly by obtaining registration.

He urged again caution in bringing the cut-off date too much forward in relation to polling day. He noted that, in 2001, three ballot groups actually were registered in mid-August and stated that there was currently no cut-off date and that a lot depends on the objections. Well, that is certainly so.

Given that Mrs Cross wants to bring this in only for this particular election, given that we are only now debating the bill, given that she wants to revert to, I think, 30 June in future years—

Mrs Cross: Well, there's a sunset clause further down.

MR STEFANIAK: And she has a sunset clause typed in further down—we are very happy to support her in relation to this particular amendment.

MRS CROSS: I seek leave to speak again for a moment.

Leave granted.

MRS CROSS: I neglected to mention this—and I thank Mr Stefaniak for prompting me—Bogey Musidlak did advise me that he would urge caution in bringing in a cut-off date too much forward from polling day, just because there is currently none. In 2001, three ballot groups, as Mr Stefaniak said, were registered in mid-August, without drama. In relation to how long it takes to achieve registration, a lot always depends on whether objections are made and whether there is any real basis for these.

I once again stress to members that there would have been no need for this particular amendment if this bill had been debated at least before this. Debate on this bill has been postponed because the government requested that it be postponed in order for the Chief Minister to get his head around it. Given that we extended him the courtesy of getting his head around this bill, I think it would be good for the Chief Minister to reciprocate by allowing at least an extra month for those to get their head around all these amendments and the new laws coming into place, or the amendments to these laws, in order to be fair. Given that the Chief Minister has advocated, with his Bill of Rights and other things, that he is into fairness and all sorts of other things, it would be good to allow that extra month.

MS TUCKER (11.19): The Greens will not be supporting this amendment. The bill sets the deadline for party registration at 30 June in an ordinary election year. This change, recommended by the Electoral Commissioner, is to ensure that applications are only accepted when there is enough time to fully resolve any potential appeals or complaints against the proposed registration. Currently the deadline is effective immediately before the pre-election period, but that does not allow time, and one party was caught in this trap at the last election and so was unable to register.

Mrs Cross's amendment would make the deadline later, 31 July rather than 1 July. We do not support this change. The Electoral Commissioner has calculated the time necessary to work through all of the objection and appeal processes that are in place to protect the integrity of the electoral system, and this is how much time is needed.

While on the surface this means a trade-off between facilitating new parties getting established, and particularly new parties that form in response to topical issues, allowing adequate time for scrutiny of a party also contributes to democracy. Appeals are as much about having an opportunity for scrutiny to see if a party is genuine, or if it is misleadingly named, as they are about defence. If the public is to know whether a party genuinely stands for what it says it stands for, then there should be adequate time to have a look at what a party is saying and to object if that is necessary.

I will read from the review of the Electoral Act by the Electoral Commission on this. The office says:

> The relevant periods in the party registration process are:
> Receipt of application to register a party to publication of notice.....unspecified
> Public objection period from date of publication of notice .....14 days
> Consideration of objections (if any) by Commissioner .....unspecified
> Objections (if any) forwarded to applicant for response .....up to 14 days
> Decision to register party notified .....unspecified
> Further period in which review of decision can be sought.....28 days

> Decision on requests for review (if any) by Commission .....unspecified
> Pre-election period commences.....….36 days before polling day
>
> If each of the unspecified time periods in this process takes about 4 days to complete, around 108 days before polling day is needed to allow all of these processes to take place. In practice, an application received around 60 days before polling day can lead to registration of a party before the election by the Commissioner, since party registration takes effect from the date the Commissioner decides to register the party. However, this minimum period is not fixed and could vary depending on how long it takes to organise a public notice in a newspaper, how long it takes an applicant to respond to an objection, and on how long is needed for the Commissioner to consider any objections. This level of uncertainty is not desirable, and can lead to confusion as to when an application for registration must be made.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.23): As I indicated previously, the government will not be supporting this amendment. This amendment would put back the cut-off date for the last day on which an application to register a political party or to change the name or abbreviation of a political party could be lodged with the Electoral Commissioner.

Under the bill, this cut-off date is 1 July. This amendment would put back this date a month until 31 July, meaning that 30 July would be the last day on which applications could be made. The corresponding amendment to insert new transition clauses would see no change made to the party registration deadlines for the 2004 election or this proposed change to the cut-off date applying to elections held after 2004. This amendment would serve to reduce the effectiveness of this change, which is intended to do two things. It is intended to provide for a fixed cut-off date for party registration. At present there is no fixed cut-off date, and this gives rise to considerable uncertainty. This change is also intended to allow for sufficient time to be available for appeals to be made to any decision made by the Electoral Commissioner to register or fail to register an application for party registration.

While this amendment would still provide for a fixed cut-off date, by extending this cut-off date for a month, it would mean that there might be insufficient time for a proper review process to take place if anyone wanted to appeal against a decision of the Electoral Commissioner to register or fail to register a political party.

The Electoral Act provides for several stages in the party registration process. There is a 14-day public objection period followed by another 14-day period in which responses to objections can be lodged by the applicant. Then there's a 28-day period during which appeals can be lodged seeking a review of a decision to register or fail to register a party. All action on party registration has to cease before the pre-election period, which starts 36 days before polling day. Taking these statutory periods and the administrative time required in between, these statutory periods together, extending the cut-off date to 31 July, would mean that there would be not sufficient time available to permit a review process.

While I am mindful of the fact that the bill is being debated close to the 1 July deadline, the bill has been on the table since May 2003. The new cut-off date should not come as a surprise to anyone seriously interested in registering a political party for the October

election. I don't support the later transitional provision that would mean that there would be no cut-off date applied to the 2004 election.

As the Electoral Commission has pointed, out the current situation gives rise to considerable uncertainty as there is no fixed date for applying for party registration. There are several statutory deadlines that apply for objection periods and so on, but it is not possible under the Electoral Act at present to state that applications for party registration must be made by a particular date. The Electoral Commissioner has quite rightly recommended that this should be corrected to put certainty into this process. For these reasons, the government opposes the amendment.

MS DUNDAS (11.26): This has been a very interesting debate and I think it goes to the heart of the process of making laws here in the ACT where we do have something that is significant in terms of our democratic process, being the Electoral Amendment Bill tabled in May 2003 and being debated a year later in May 2004.

Amendments were still being circulated in the past 24 hours in relation to this bill. As we are making significant changes to the Electoral Act it impacts on people wishing to participate in those elections, which is why I think that we should actually seriously consider changing the date on which certain actions cannot be taken.

I note the very strong arguments put forward by Ms Tucker and Mr Stanhope in relation to the actual time needed to consider these applications and how that impacts, and it may be, if this amendment were to be successful, that we should have been looking at all of those time periods and actually trying to make them fit. But it does raise a really important point about what impact the passing of these amendments to the electoral laws in the ACT will actually have on the community and those people wishing to participate in the democratic system. Maybe we need to make sure that the Electoral Commission is resourced well enough to make sure that these changes are communicated to the electorate, to people who are wishing to participate in the election in October.

Amendment negatived.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.28): Mr Speaker, I move amendment No 2 circulated in my name and present a supplementary statement to the amendments *[see schedule 4 at page 2125]*.

This amendment makes a range of changes to the Electoral Amendment Bill and is intended to remove all references to ballot groups from the Electoral Act. Under the Electoral Act as it currently stands, a ballot group is an entity that can be registered by a member of the Legislative Assembly who is not a member of a registered political party. A registered ballot group is able to nominate candidates for election to the Assembly, with candidates identified on the ballot paper by printing the ballot group's registered name or abbreviation. Like registered political parties, registered ballot groups also have rights and obligations under the funding and disclosure scheme. These include the right to receive public funding according to the votes received by the ballot group's candidates and the obligation to submit disclosure returns detailing receipts, expenditure and debts. The ballot group provisions were included in the Electoral Act before the 2001 election as part of a reform of the party registration scheme that saw the abolition of the concept

of parliamentary party, which allowed any MLA or any member of a parliament in another jurisdiction to register a political party without any membership requirement.

The current registration model is a two-tiered scheme consisting of registered political parties, all of which must have at least 100 members who are ACT electors, and registered ballot groups established by Independent MLAs. In considering the operation of this two-tiered arrangement, the government has concluded that it would be preferable to put all registered ballot entities on an equal footing rather than give Independent MLAs an advantage over other candidates and allow them to register a ballot group name without any demonstrated community support.

This amendment would remove all references to ballot groups in the Electoral Act and require all political participants to register a political party containing at least 100 members if they wish to have a party name listed on the ballot papers. In my view, there is no justification for distinguishing between non-elected non-party candidates and elected non-party candidates. The criteria for establishing a political party are clear and are not onerous. Each candidate has had considerable time in which to organise themselves into a party, and this is particularly so in the case of elected non-party candidates. I commend this amendment to the Assembly.

MR STEFANIAK (11.30): As I said earlier, the Liberal Party will be opposing this amendment. We have no problems with non-party groupings and like-minded Independents forming a group or indeed a ballot group. I think this amendment will get up. I understand the Greens are voting for it. It is interesting, given that Bob Brown, the effective head of the Greens in Australia, in a debate in 2000 on a very similar point, made a number of comments very much in favour, to the effect of "what does it matter if you have a large number of parties?" In the federal Senate *Hansard* of 11 October 2000, he stated:

> I think some members of parliament have actually registered parties under their own names—Pauline Hanson might have been one of those in the past and I think Senator Harradine, if I am not wrong, may also have registered a party—and that is a legitimate thing to do. If you have the votes to get into parliament, then the public have voted for that and said, 'We give enough support to this person for them to get into parliament,' and a party registration should be valid in the wake of that.

That is a not dissimilar point to this.

Mr Stanhope: It's quite different, Bill.

MR STEFANIAK: Yes, it is different.

Mr Stanhope: They were elected.

MR STEFANIAK: I think he is referring to someone who is in parliament who then formed an actual party as such. It is not a huge difference really in terms of the concept of people here forming a ballot group. What is wrong with that? We have seen that done in the past in this Assembly by several individuals. While they had the confidence of a sufficient section of the public, they were elected. Once the public decided they did not want them any more, out they went. That applies to anyone. It applies to governments,

major parties and individuals in major parties—to anyone or any grouping in our system. Again, I think that is eminently fair. The Liberal Party will be opposing this amendment.

MRS CROSS (11.33): The Chief Minister seems to think that the electorate and the people in the community are stupid. I wonder if people in the community really know what he thinks of them. He thinks that they could become confused and that there would be uncertainty with the size of the ballot paper. Any member who thinks that those in the community cannot tell the difference between Independents and others on a ballot paper or where to find them must think that they are stupid. It is interesting that Bogey Musidlak also commented on this. He said:

> … the government's proposal to do away with columns on the ballot-paper for groups of non-party candidates. Just because this was amongst things recommended by the ACT Electoral Commission in its review of the Electoral Act after the 2001 elections does not make it a desirable move.
>
> The Follett Government tried to do the same thing at the same time as it attempted to white-ant Robson Rotation. As soon as the television lenses focused on the illustration of a sample ballot-paper in the referendum options booklet sent to electors in 1992, claims of this all being consistent with the Hare-Clark description were blown out of the water.

It is interesting that the Chief Minister is hiding behind the recommendations of the Electoral Commission, some of which are valid, some of which are good. I started to question the validity of some of these recommendations when I read that he had a concern with the size of the ballot paper.

Indonesia has just had its first proper democratic election. It has over 100 million voters and has a very lengthy ballot paper. The voters were not confused; they knew how to use it. In fact, they do not have as high a standard of education as we do per capita, yet they managed to survive. Given that Canberra has a high standard of living, with the most educated population per capita of any other state or territory in Australia—that is something the Chief Minister probably should know, but he might have forgotten about it—I think the community would be able to distinguish the difference between parties and Independents and others on a ballot paper, no matter how long the ballot paper is. New South Wales, which went to an election last year, had a huge ballot paper. Anyone who has a concern and who makes a recommendation would be simply making a self-serving recommendation. They are only thinking of themselves, of the inconvenience to them, which undermines the democratic process.

To try to control the size of a ballot paper and how everything is grouped undermines the democratic process. I will be moving an amendment later, which does not disadvantage those in the community who are not sitting members, in order to create a level playing field. As the Chief Minister said earlier, one of his motivations is to create a level playing field. The Chief Minister's definition of a level playing field is anything that benefits the ALP in trying to win majority government.

MS TUCKER (11.36): The Greens will be supporting this amendment. All current sitting members have an in-built head start in being known—at least a little—to people in the electorate through the publicity around their work as members. Therefore, it was

controversial to give such members an additional leg up by allowing them named group columns—a pseudo party status.

I moved an amendment in the debate on this provision in June 2001, which, by proposing that ballot groups must have 100 supporters to be registered as such, made the point that candidates who are part of a party are listed separately because they are clearly identifiable with a set of policies, supporters, co-developers of policy and a constitution through which they can be held accountable.

Ballot groups are the provision to allow a sitting Independent to have a labelled column, with other candidates. This gives them their name at the top, which no other individual candidate gets. In fact, our electoral system is very special in Australia in the lengths we go to to avoid having any one candidate with their name at the top of a list.

This amendment was brought in in 2001, in what appeared to be an appeasement of the then sitting Independents. It was also, I understand, intended to be a kind of harm minimisation, as a couple of sitting Independents had formed parties in the previous election which then, once elected, disbanded. This made a mockery of a party system. Members of the public, concerned about whether these were genuine parties, found it very difficult to prove it. Even if it were impossible to join, it seemed that there was no way to challenge the registration.

But dealing with this by allowing a different route to essentially form another pseudo party—as far as it appears on the ballot paper—seems to me to be missing the point. Since then, we have also required that all applicants for party registration, regardless of whether they have a sitting member, must have 100 members registered to vote. This is another layer of accountability on party status that was not required at the time that those Independents registered essentially bogus parties.

Any Independent putting themselves forward has the capacity to form a non-party group—they can be more prominent in that way—but no other sitting MLA has any identification as such on the ballot paper. This is not about opposing Independents; this is about accuracy. I think that if there are serious problems in checking on whether a party is, in fact, a genuine party—in the sense of having active members, with a say in the party's platform and representatives and so on—then this is what needs to be fixed.

We had two strong objections to this arrangement: first, it gave an advantage to sitting Independents over new Independents and, second, it created an impression of a party when, in fact, there was no such thing. The second argument matters to us because a party requires, first, a group of people to sign up and be part of the decision making and, second, a constitution and set of policies. There is accountability and a structure to guide the work of the individuals elected. There is no such structure or accountability in the ballot groups. I have a third point as well, which I have already made—that is, ballot groups are quite inconsistent with how the rest of the voting system works in terms of ensuring random rotation so that one person is not at the top of any column permanently. I am quite prepared to support the government to remove this ballot group option from our system because I do not think it is fair.

MS DUNDAS (11.40): I have spent some time considering this amendment. I think there are some very interesting points being put on both sides of the debate. Looking back over

the Democrats' participation in the ACT electoral system, there has always been concern with the provisions in the act for ballot groups. There is an essential difference between a political party and a group of Independents, which is that a party consists of a number of people beyond its parliamentary representatives who contribute collectively to the policies and principles of that group and participate in some form of an internal party democracy to determine candidates and political platform.

The current provisions in the act do not effectively differentiate between political parties and ballot groups in their presentation on the ballot paper. This may mistakenly lead voters to believe that a ballot group is a political party and subject to the same internal controls, as well as external regulation and disclosure provisions. This amendment makes it clear that only a political party will be eligible to have a name recorded at the top of the ballot paper. However, it is my understanding that the Assembly will be retaining non-party groups tonight; therefore, a sitting Independent would still be able to stand in a separate column if they had somebody to run with. The only difference would be the absence of a name at the top of the column. That is my understanding of the votes that we are having tonight.

That being said, I do not believe that it is necessary to differentiate between sitting Independents and other Independents. There is a difference between ballot groups and non-party groups.

MR SPEAKER: Order! Ms Dundas has the call.

MS DUNDAS: We are retaining non-party groups, but I do not think it is necessary to maintain ballot groups. The Democrats believe the provision for ballot groups is unnecessary, so I am supporting this amendment.

Question put:

> That **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Ms MacDonald	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Mr Cornwell	Mr Stefaniak
Ms Dundas	Mr Stanhope	Mrs Cross	
Ms Gallagher	Ms Tucker	Mrs Dunne	
Mr Hargreaves	Mr Wood	Mr Pratt	

Question so resolved in the affirmative.

Amendment agreed to.

Question put:

> That clause 10, as amended, be agreed to.

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Ms MacDonald	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Mr Cornwell	Mr Stefaniak
Ms Dundas	Mr Stanhope	Mrs Cross	
Ms Gallagher	Ms Tucker	Mrs Dunne	
Mr Hargreaves	Mr Wood	Mr Pratt	

Question so resolved in the affirmative.

Clause 10, as amended, agreed to.

Clause 11.

MRS CROSS (11.48): I move amendment No 5 circulated in my name *[see schedule 3 at page 2121]*.

This is a consequential amendment, so I will not speak long. I want to put on record, however, my thanks to Ms Dundas for having thought through the numbers issue—the magic number of people that had to be a member of a political party to make it valid. I appreciate her comments. Ms Dundas is a breath of fresh air in this Assembly. The fact that she spends a lot of time thinking things through in detail puts people twice her age to shame at times. I appreciated Ms Dundas's argument on that earlier.

Amendment negatived.

Clause 11 agreed to.

Proposed new clause 11A.

MRS CROSS (11.49): I move amendment No 6 circulated in my name which inserts a new clause 11A *[see schedule 3 at page 2121]*.

This is also a consequential amendment, so I am not going to speak to it.

Amendment negatived.

Clause 12.

MRS CROSS (11.50): Mr Speaker, I will be opposing this clause.

MR STEFANIAK (11.50): As I mentioned earlier, I will be opposing this clause, clause 13 and other clauses I mentioned earlier which relate to non-party groupings. Accordingly, all those clauses will take that out, but the non-party group is something we think should stay. I have already spoken about two or more candidates grouping under one column on the ballot paper. I will be opposing this clause, clause 13 and the other clauses I have mentioned.

MS TUCKER (11.51): This is an amendment to remove the arrangements that allow Independent candidates to group themselves on the ballot paper with other Independent

candidates. There is no provision for a column name, group into non-party groups. This allows Independent candidates to stand out from the crowd. Despite our system, it is difficult for Independent candidates to be elected. The current system lists all Independent candidates at the right-hand side of the ballot paper in columns no longer than the number of seats in the electorate—so columns of five or seven.

In the ACT, we inherited from the Senate the system of grouping non-party candidates. The Senate has had that system since before it admitted that parties were in operation, and allowed named party lists. It was also clearly part of the system as described in diagrams and words in the booklet that informed the referendum on our electoral system.

The Electoral Commissioner's argument to remove this provision is that, while originally it was to allow Independent candidates to express some like-mindedness with another Independent candidate, in recent years it has been used by serious Independent candidates to boost their chances by getting someone else to run with them—not because the second person wants to be elected, but merely to boost the chances of the first Independent candidate.

The government seemed confused in describing this amendment. The arguments were around the ballot groups, which after all were introduced to keep two particular sitting Independents happy. We got rid of the ballot groups, which we do not like, but we are happy with the non-party groups.

MS DUNDAS (11.53): The Democrats are also opposing this clause. The issue here is whether non-party groups should be allowed to be grouped together on the ballot paper. The Electoral Commission recommended that non-party groups should be abolished in ACT elections. It put forward two arguments. The first argument is that it is used to distinguish an Independent on the ballot paper rather than forming a group of like-minded Independents. The commission claims:

> There is no requirement or expectation that candidates listed in a non-party group have anything in common other than to be listed together in a separate column.

I am not convinced that this is entirely true; in fact, I think that, quite often, candidates listed together as a non-party group generally have very similar political views. They are quite often more similar than those of people who may run together as members of the same political party. I also believe that there is an expectation in the electorate that members of a non-party group do have something in common.

The commission's second argument is that non-party groups result in larger ballot papers. As we have already discussed this evening, that does not seem to be a very good reason for making democratic decisions. The commission put forward the argument that the Molonglo ballot paper would have been 88 millimetres shorter if it were not for non-party groups. It also pointed out that it can be difficult to arrange a large number of groups on a screen for the purposes of electronic voting.

I understand that the commission can be very concerned about the administration of the election, its associated costs and logistics—it is their job to do so. However, my concern as a member of this Assembly is to ensure that candidates at an election are treated equally. It is important to remember that our Hare-Clark system of election is one that is

candidate centred and not party centred. The ACT has purposely rejected a party with this system of voting in favour of one that specifically elects individual candidates based on merit.

It is also important to note that Independents have always had a role in Australian elections and that, whether you agree with their policies or not, they should not be treated as second-class candidates. Despite the fact that this change could make elections easy to administer, it does privilege some candidates over others. The Democrats will not support making elections less fair and we will not be supporting this clause or the others that remove non-party groups from the ballot.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.55): This amendment and the following amendment are aimed at removing the main substantive clause that would remove the opportunity for two or more candidates to be grouped together in a non-party group. The bill, as introduced, removes the provisions that allow candidates to form non-party groups on the ballot paper. If this bill is passed as introduced only candidates belonging to registered political parties or ballot groups will be able to be listed in groups on ballet papers. All non-party candidates will be listed in ungrouped columns on the ballot papers.

This change was recommended by the Electoral Commissioner. In making its recommendation to remove non-party groups the Electoral Commission noted that, in the days before political party affiliations were listed on ballot papers, the non-party group was seen as a collection of like-minded candidates campaigning on a common platform. These days a non-party group is arguably just a vehicle for two or more candidates to distinguish themselves on the ballot paper by being listed in a separate column. Candidates in a non-party group are no longer expected to have any connection with each other beyond a desire to be listed in their own column. The government agrees with the Electoral Commission that the ability of candidates to form non-party groups is more likely to confuse than to inform voters. The government will, therefore, oppose this clause.

Question put:

> That clause 12 be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Ms Gallagher	Mr Wood	Mrs Cross	Mr Stefaniak
Mr Hargreaves		Ms Dundas	Ms Tucker
Ms MacDonald		Mrs Dunne	

Question so resolved in the negative.

Clause 12 negatived.

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Clause 13.

MRS CROSS (12.01 am): I move amendment No 8 circulated in my name *[see schedule 3 at page 2121]*. This amendment relates to putting Independents on the far right-hand column of the ballot paper. The amendment addresses that by allowing those who choose to stand as Independents to be grouped wherever they are drawn by the Electoral Commission—if, in fact, this goes through—instead of being relegated to the far right-hand side. That was very amusing to me because the Chief Minister said earlier, "Everyone is used to them being on the right side." That is funny because doesn't the Electoral Commission draw out the parties; and don't they go in different places at random on the ballot paper? Isn't that what Robson rotation is about?

Mr Stanhope: No.

MRS CROSS: No, it is not. He is awake. That is good; I got him. I was just testing to see if the Chief Minister was still with us. Given that this debate is obviously about favouring political parties, in particular the ALP, I think it is important that—to quote the Chief Minister's words about fairness and making sure this is handled properly—if we have groups of Independents in a column, they should be accorded the same fairness and drawn out in the draw, go on a particular space on the ballot paper and not be relegated to the right side, just because the Chief Minister thinks that because everyone is used to it therefore that is where they should be. It is a disadvantage and this is something that has been supported by Bogey Musidlak, who brought the Hare-Clarke system into the ACT. Correct me if I am wrong but I think this is a system that the Labor Party fought against—is that right—because they knew that if it were successful they were unlikely to be in government every term. That meant that we had a fairer, more balanced, electoral democratic system.

I can see why they are trying to do all this tonight—it makes sense. They are trying to disadvantage not only those who choose to stand as Independents but also other major parties who may one day be in government again. The purpose of this, again, is to create fairness. This is not about sitting members, it is about those in the community who choose to stand as Independents and want to be treated the same way as those who belong to political parties, which is obviously something the ALP disagrees with.

MR STEFANIAK (12.04 am): We will not be supporting this amendment. Even some experts like Bogey, much mentioned tonight, stated that, as the advantage of getting the column furthermost to the left is fairly slender and some other places may be inferior to the column furthermost to the right, he was reasonably comfortable with the current arrangements. We have looked at this and, whilst I have some sympathy for the position Mrs Cross states, I think people are used to where the Independents are on the ballot paper. They probably have a slight advantage in remaining in the right column, compared with other groupings that will be moved around depending on ballot. So I certainly do not see them as being disadvantaged. Accordingly, we will not be supporting this particular amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.05 am): The government will not be supporting this amendment either. This amendment is intended to provide that the ungrouped column of candidates be included in the random draw for column order so that it could appear in any position on the ballot paper. Currently the ungrouped column is printed to the right of all other columns. If there are more ungrouped candidates than the permitted maximum number of candidates, this column is to be split into two or more columns of equal length, or as near equal as possible. It is the view of the government that this proposal would simply serve to confuse voters. The purpose of the ballot paper is that it is a communication medium for voters. It is a recognised feature of both ACT and Senate ballot papers that ungrouped candidates appear in the right-hand column or columns. Voters wanting to vote for ungrouped and independent candidates would expect this.

If the ungrouped columns were to be included randomly anywhere in the ballot papers, voters might not be able either to find them or to recognise them for what they are. Always printing the names of ungrouped candidates in the same place is a longstanding convention. I suggest that including them in the random draw for positions may be more likely to lead to people not voting for them than otherwise. Another source of voter confusion is the fact that party candidates standing alone are listed in the ungrouped column, with their party name printed next to their own names, as opposed to party columns which get their party names printed at the top of the column. If the ungrouped columns are included in the random draw, party names of party candidates standing alone would be listed in the body of the ballot paper rather than in the right-hand column. Again I suggest this would confuse voters.

Including ungrouped candidates in the random draw for positions would seem to be of benefit to them only if it serves to allow them a greater share of an uninformed donkey vote. I do not believe there is a sizeable donkey vote in the ACT that would benefit some column positions over others—it is certainly not big enough to give unknown candidates any chance of winning a seat. That an ungrouped candidate can win a seat in the ACT from the right-hand column was proven in 1995 when Paul Osborne did just that. Given all these reasons as to why this amendment is not a good idea, the government will oppose it.

MS DUNDAS (12.07 am): I believe that this amendment goes to the issue of fairness for all candidates in an election. Our system of Robson rotation is designed to ensure that all candidates have an equal chance of being recognised by voters. In addition, the columns on a ballot paper are drawn by lot to ensure that each of the candidates has an equal chance of being listed first on that ballot paper, but in the current system this privilege is not extended to ungrouped candidates. I believe this amendment rectifies that situation and I am happy to support it. However I flag that if these amendments fail I will join the opposition to clause 13 as I have some problems in respect of how it relates to non-party groups.

MS TUCKER (12.08 am): This is obviously not going to be a successful amendment but I think it is worth supporting. I was just checking as to whether it would be confusing or not. Usually people who are Independents put "Independent" next to their names, so it is most likely that if there were a column of various names with "Independent" written beside them it would be clear that it was a column of Independents.

Amendment negatived.

Clause 13 negatived.

Clause 14 to 16, by leave, taken together and agreed to.

Proposed new clause 16A.

MS DUNDAS (12.10 am): I move amendment No 2 circulated in my name to insert a new clause 16A *[see schedule 2 at page 2120]*.

I spoke to the substance of what this amendment does when talking to my first amendment, which this Assembly supported. As the amendments are linked, it would be good law-making practice if the Assembly also saw fit to support the second amendment. To quickly summarise for members, if they have forgotten the debate that happened before, this amendment goes to the issue of postal voting and helps to ensure that all applications for postal voting are returned directly to the Electoral Commission and not sent via a political party.

Amendment agreed to.

Proposed new clause 16A agreed to.

Clauses 17 to 19, by leave, taken together and agreed to.

Clause 20.

MR STEFANIAK (12.11 am): Consequential on clauses 12 and 13, I will be opposing this clause.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.11 am): I move amendment No 1 circulated in my name on the blue sheet *[see schedule 5 at page 2133]*.

This amendment is essentially of the same order or consequence as the amendment I moved previously in relation to changes to the bill to remove all references to "ballot groups" in the Electoral Act. I gave a detailed explanation of the basis of the amendment previously. I could repeat that but I do not believe it would really enhance the understanding of members. Members will recall that this relates to the provision under the Electoral Act as it currently stands that a ballot group is an entity that can be registered by a member of the Assembly who is not a member of a registered political party. A registered ballot group is able to nominate candidates for election to the Assembly with candidates identified on the ballot paper by printing the ballot group's registered name or abbreviation. I went into some detail on that. It is the same issue and, for the same reasons, the government supports this particular amendment.

MR STEFANIAK (12.13 am): Given the previous votes, which basically omit clauses 12 and 13 so that "non-party group" now goes into this act, and given the success of Mr Stanhope's earlier amendment where he managed to omit "ballot group", what he is

doing is putting "non-party group" in here instead of "ballot group" so it is consistent with what we have done already.

MS DUNDAS (12.13 am): We will be supporting this amendment, which replaces "ballot group" with "non-party group". This Assembly has made the decision that we will not be supporting ballot groups but we will be supporting the continuation of non-party groups. That is what this amendment achieves in this section.

Question put:

> That **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 16		Noes 1
Mr Berry	Ms MacDonald	Mrs Cross
Mrs Burke	Mr Pratt	
Mr Corbell	Mr Quinlan	
Mr Cornwell	Mr Smyth	
Ms Dundas	Mr Stanhope	
Mrs Dunne	Mr Stefaniak	
Ms Gallagher	Ms Tucker	
Mr Hargreaves	Mr Wood	

Question so resolved in the affirmative.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clauses 21 to 27, by leave, taken together.

MR STEFANIAK (12.17 am): Mr Speaker, I will be opposing these clauses.

Clauses 21 to 27 negatived.

Clauses 28 to 33, by leave, taken together.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.18 am): I seek leave to move amendments Nos 2 to 5 on the blue sheet circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 2 to 5 circulated in my name together *[see schedule 5 at page 2133]*. These amendments are essentially consequential to the previous amendment in relation to ballot groups.

Amendments agreed to.

Clauses 28 to 33, as amended, agreed to.

Clause 34.

MS TUCKER (12.19 am): I move amendment No 1 circulated in my name *[see schedule 6 at page 2135]*. This amendment keeps the disclosure threshold for individual candidates at $200 and the government's bill increases it to $1,500.

MS DUNDAS (12.19 am): This amendment is consequential on the changes proposed by Ms Tucker's bill. This particular amendment goes to the issue of disclosure of a gift and Ms Tucker's amendment is to leave the threshold of the disclosure of gifts at $200. The Democrats generally agree with greater disclosure provisions and are supportive of this amendment.

MRS CROSS (12.19 am): I will also be supporting Ms Tucker's amendment. This still independent member thinks that greater disclosure is important and commends Ms Tucker for this amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.20 am): This amendment would keep the current disclosure threshold for disclosure of gifts received by candidates at $200. The bill increases this and all other disclosure thresholds to $1,500. The changes to the disclosure thresholds in this bill to standardise all thresholds at $1,500 are intended to remove a number of inconsistencies and inequities in the current disclosure scheme, ensuring that different types of political entities will be treated in the same way. For example, under the current scheme, the identity of donors giving $200 or more to candidates must be disclosed, whereas the threshold for identifying donors to parties is $1,500. As party candidates can direct all of their donations through their party, this means that the effective disclosure thresholds for donations to party candidates is $1,500, compared to a $200 threshold for donations to non-party candidates.

If this amendment succeeds it will mean that non-party candidates will continue to be disadvantaged. They will be subject to a $200 disclosure threshold, whereas party candidates will effectively have a $1,500 threshold. This would continue this unfair feature of the current disclosure scheme. I point out that this different disclosure threshold has caused considerable confusion to donors and party candidates in the past and it has not been clear which thresholds should apply. For these reasons the government will not support these amendments.

MR STEFANIAK (12.21 am): I must say on this one that I agree with my learned friend Mr Stanhope.

Amendment negatived.

Clause 34 agreed to.

Clause 35.

MS TUCKER (12.21 am): I move amendment No 2 circulated in my name *[see schedule 6 at page 2135]*. Similarly for non-party groups, this amendment simply keeps the disclosure threshold at $200.

MS DUNDAS (12.22 am): The Democrats also seek to support this amendment. There was perhaps some confusion when we were debating the previous amendment. There are two amendments here, one of which talks about gifts made to a candidate of a political party. This amendment talks specifically about gifts made to non-party groups, so that all candidates are covered in relation to the disclosure of gifts.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.22 am): As Ms Tucker has indicated, this amendment is related to the earlier amendment and extends the proposed $200 disclosure threshold to include non-party groups. It is inconsistent with the other provisions in this bill that remove references to non-party groups. For the reasons given regarding Ms Tucker's earlier amendment, the government opposes this amendment.

Amendment negatived.

MR STEFANIAK (12.23 am): I will be opposing this clause for the same reasons given in relation to clauses 12 and 13—because of the non-party group matter. The amendments I am moving are all consequential to that.

Clause 35 negatived.

Clauses 36 to 40, by leave, taken together.

MR STEFANIAK (12.24 am): Again, this is consequential in relation to the non-party group matter and I will be opposing these clauses.

Clauses 36 to 40 negatived.

Clause 41.

MR STEFANIAK (12.24 am): I will be opposing this clause—clause 41—and I will also be moving amendment No 1 circulated in my name *[see schedule 7 at page 2136]*. I thank the Electoral Commissioner, Mr Phillip Green, for this. He told me and Parliamentary Counsel that if my opposing those earlier clauses in relation to the non-party group matters were successful—and it has been—it would be necessary to move these two amendments. He said:

> You signal your intention to oppose various clauses relating to the removal of non-party groups from the Electoral Act.
>
> To achieve this end, you may wish to consider two further amendments to ensure the Electoral Act deals consistently with non-party groups.

I thank the commissioner for his assistance, and I thank Parliamentary Counsel. It continues:

> Clause 41 in the bill substitutes a new section 222(1) to identify persons required to submit disclosure returns under the proposed new disclosure threshold of $1500. To be consistent with the existing scheme, a reference to non-party groups should be inserted in the new section 221(1).

Similarly, when we come to clause 48, which is my second amendment, it says:

> …substitutes a new section 222(7) to define "prescribed amount" for use in the section, and lists various entities to which the definition refers. Again, to be consistent with the existing scheme, a reference to non-party groups should be inserted in the definition of "prescribed amount" in new section 222(7).

Accordingly, I say those two things in relation to both this particular amendment to clause 41 and the amendment to clause 48, which will occur shortly.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42.

MR STEFANIAK (12.26 am): I will be opposing this clause. Again this refers to the non-party group matter.

Clause 42 negatived.

Clause 43.

MR STEFANIAK (12.27 am): I will be opposing this clause. I note that Mr Stanhope has an amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.27 am): I move amendment No 6 circulated in my name on the blue sheet *[see schedule 5 at page 2133]*. Again, this is consequential to amendments that have been moved and agreed previously in relation to the changes agreed in relation to "ballot group".

Amendment agreed to.

Clause 43, as amended, agreed to.

Clauses 44 to 47, by leave, taken together.

MR STEFANIAK (12.28 am): I will be opposing these clauses. Again, these are consequential.

Clauses 44 to 47 negatived.

Clause 48.

MR STEFANIAK (12.29 am): I move the amendment circulated in my name. It is the second amendment on the yellow sheet *[see schedule 7 at page 2136]*. I have already read out why this has to occur, in relation to the Electoral Commissioner indicating that if my earlier amendments were successful—and they have been—this would be needed. Accordingly, I so move it.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.29 am): I move that Mr Stefaniak's amendment be amended by deleting the words "ballot group".

MS DUNDAS (12.29 am): Mr Speaker, I have an amendment that does exactly the same thing circulating so that all members can see it.

MR SPEAKER: We will have to have an amendment in writing.

MS DUNDAS: I am circulating an amendment now in writing. That is why I tried to get to my feet before Mr Stanhope.

MR SPEAKER: So you are not going to proceed with that amendment, Mr Stanhope?

Mr Stanhope: It is the same amendment.

MR SPEAKER: The problem is that you do not have an amendment circulated in writing.

Mr Stanhope: I take the point. The amendment I proposed to move has just been circulated by Ms Dundas.

MS DUNDAS: I move the amendment circulated in my name on the piece of paper that is being circulated now *[see schedule 8 at page 2136]*.

This is a simple amendment. There was an amendment relating to this clause in section 48 in relation to a prescribed amount. Mr Stefaniak's amendment, whilst putting in "non-party groups", did not remove "ballot groups". Mr Stanhope also had an amendment circulated that would have done what we would have liked, but Mr Stefaniak got the call—so this amendment is necessary. For consistency, the words "ballot groups" need to be removed from this amendment.

Ms Dundas's amendment agreed to.

Mr Stefaniak's amendment, as amended, agreed to.

Clause 48, as amended, agreed to.

Clauses 49 and 50, by leave, taken together.

MR STEFANIAK (12.31 am): I will be opposing these clauses. These are again consequential.

Clauses 49 and 50 negatived.

Clause 51.

MR STEFANIAK (12.32): I will be opposing this clause, which is consequential. Mr Stanhope will be moving a consequential amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.32 am): Mr Speaker, I move amendment No 8 circulated in my name on the blue sheet *[see schedule 5 at page 2133]*.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 and 53, by leave, taken together.

MR STEFANIAK (12.32 am): I will be opposing these clauses. Again, they are consequential.

Clauses 52 and 53 negatived.

Clause 54 agreed to.

Clauses 55 to 57, by leave, taken together.

MR STEFANIAK (12.33 am): I will be opposing these clauses. Again, they are consequential.

Clauses 55 to 57 negatived.

Clause 58 agreed to.

Proposed new clause 58A.

MS DUNDAS (12.34 am): Mr Speaker, this amendment goes to the issue of donations. I have formed the opinion that Ms Tucker's approach is more useful. I was not going to move this amendment, but I would like to put on the record that we are, I guess, making some—

MR SPEAKER: Well, it is a bit hard to put it on record if you are not going to move it.

MS DUNDAS: Fine. I move amendment No 3 circulated in my name *[see schedule 2 at page 2120]*. I realise it will be defeated.

Mr Speaker, I was not initially going to move the amendment because I believed that Ms Tucker had a better approach to dealing with these sections. However, that approach has not been successful either. So there will not be any changes in respect of disclosure of financial situations, and I think that is disappointing. I am sure it is something that will

be revisited as we try to make sure that our electoral processes and our political parties and those involved in our democratic bodies are held accountable and disclose donations and the like.

Amendment negatived.

Clauses 59 and 60, by leave, taken together.

MR STEFANIAK (12.36 am): Mr Speaker, I will be opposing these clauses, which are consequential.

Clauses 59 and 60 negatived.

Clause 61.

MR STEFANIAK (12.36 am): Mr Speaker, I will be opposing this clause. Mr Stanhope has an amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.36 am): I move amendment No 9 circulated in my name on the blue sheet *[see schedule 5 at page 2133]*.

Amendment agreed to.

Clause 61, as amended, agreed to.

Proposed new clauses 61A, 61B and 61C.

MRS CROSS (12.37 am): Mr Speaker, I move amendment No 9 circulated in my name, which inserts new clauses 61A, 61B and 61C *[see schedule 3 at page 2121]*. This amendment relates to an earlier debate regarding extending the date and putting in a sunset clause to indicate that this provision applies only to this year's election and not elections four years from this year. We have already discussed this, so I am not going to go into it any further.

Amendment negatived.

Proposed new clause 61D.

MRS CROSS (12.38 am): I move amendment No 10 circulated in my name, which inserts new clause 61D *[see schedule 3 at page 2121]*.

Amendment negatived.

Clauses 62 to 65, by leave, taken together and agreed to.

Clause 66.

MR STEFANIAK (12.39 am): Mr Speaker, I will be opposing the clause for the same reason as before—it is consequential.

Clause 66 negatived.

Clauses 67 and 68, by leave, taken together and agreed to.

Proposed new clause 69 and schedule 1.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.39 am): Mr Speaker, I move amendment No 13 circulated in my name on the white sheet, which inserts new clause 69 and schedule 1 *[see schedule 4 at page 2125]*.

Amendment agreed to.

Title.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.40 am): Mr Speaker, I move amendment No 1 circulated in my name on the white sheet *[see schedule 4 at page 2125]*.

Amendment agreed to.

Title, as amended, agreed to.

Bill, as amended, agreed to.

Electoral Amendment Bill 2002

Debate resumed from 20 August 2003, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MS TUCKER (12.43 am), in reply: I might just remind people what we are voting on. These amendments are to update the commencement dates. They ensure that the new and tighter disclosure rules apply to the next financial year and not to the current—

MR SPEAKER: Ms Tucker, are you speaking to the amendments now? We are not really into the detail stage yet.

MS TUCKER: Okay, I will not speak at this point then.

MR SPEAKER: You can close the in-principle debate on the bill if you wish.

MS TUCKER: Well, I thought that was what I was doing. Basically, this is giving us all here another chance to close a loophole in the rules for political donations. My bill would stop the current farce where a party or a member can avoid listing their major donors on their annual returns simply by having them donate in amounts of less than $1,500.

Last year an Electoral Commission audit uncovered donors to both Labor and Liberal parties who had multiple donations of $1,499. These donations were just under the

threshold and, therefore, the parties did not have to list the donors in their annual return. In one example, five donations of $1,499 were made to the ACT Labor Party on the same day and another five sets of $1,499 were made the very next day. This donor gave $14,990 in total but, because of the loophole, the donor is not listed on the ALP's annual return and remained hidden.

Although individual donors are required to notify the Electoral Commission of their donations, when their name does not appear on the party's public list of donations of over $1,500 it is very difficult for a member of the public to know that this donor exists. Clearly, this is bad for democracy. The funding disclosure system is intended to make it clear where the money is coming from to support political parties so that then the public can make up its own mind whether there might be suspicion of undue influence on political decisions.

My amendment would mean that, except for small amounts, defined as less than $100 received at fund-raising events, all instances of donation are included in the total and so all major donors would be listed on parties' and MLAs' annual returns.

Mr Stanhope: The government does not agree with the bill, Mr Speaker.

MR SPEAKER: Ms Tucker has closed the debate. I am sorry—that is my fault.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 3	Noes 14	
Mrs Cross	Mr Berry	Ms MacDonald
Ms Dundas	Mrs Burke	Mr Pratt
Ms Tucker	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Mrs Dunne	Mr Stanhope
	Ms Gallagher	Mr Stefaniak
	Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Suspension of standing and temporary orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent order of the day No 26, private members business, relating to the Projects of Territorial Significance Bill 2004 and order of the day, executive business relating to the Gungahlin Drive Extension Authorisation Bill 2004 being called on and debated cognately.

Projects of Territorial Significance Bill 2004

[Cognate bill:
Gungahlin Drive Extension Authorisation Bill 2004]

Debate resumed from 13 May 2004, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (12.50 am): Mr Speaker, I think that a lot of the debate has been had, perhaps not with us standing up at our desks, but certainly in lots of discussion. A great deal of contact has been made. There is near unanimous agreement—not unanimous, perhaps—from members of this Assembly that we would wish to see a bill passed through here that expedites work on the Gungahlin Drive extension.

There would be near unanimous agreement—I could be bold and suggest the numbers, but I will not—that the result of this debate tonight should see work commence shortly and that that be done with due regard to democratic principles, understanding that of necessity for a bill of this nature some traditional privileges will be suspended, but not totally. Citizens should retain the right as far as possible, though I hope that a bill will be passed tonight.

The government's bill is designed to be specific to the GDE, only the GDE, and we regard that as being very important. The government's bill retains the inherent jurisdiction of the ACT Supreme Court. The government's bill provides that there will be sufficient powers to allow the road to move ahead after all this time of study and debate. This bill is not as far-reaching—I emphasise that it is not as far-reaching—as similar bills or bills aimed to do the same thing in other jurisdictions. It is not as far-reaching as bills were in Mr Kennett's Victoria. We have adopted a fairly modest approach, as modest as we can in the circumstances.

The government did look at more extreme options, but did not go down that path. The Liberals' bill provides, and it is a sticking point for the government, for broader use. I think the words used when we had a debate earlier today with the Liberals were "wide" and "shallow". We believe that the Liberals' bill falls down in key areas, because it is open to parties to initiate court action that would be lengthy, detailed and difficult to deal with with any expedition.

The Liberals' bill would still see extensive court action available. Labor's bill, I repeat, retains the inherent jurisdiction of the Supreme Court and the rights of citizens. But it is a decision for us to make. We can talk about the technicalities, but I do not know that this bill will be decided on the technicalities. We want the road to go ahead. It has been a long time in the making and it has not yet been made, so let's move ahead with it. I believe that, of these two bills, much the better way to proceed is with the government's bill, and that is the way I would urge members who want the road to move ahead to vote.

Mrs Dunne: Mr Speaker, the opposition agrees that the debate on the merits of the GDE has been quite extensive.

MR SPEAKER: Do you know that you are closing the debate?

Mrs Dunne: No, I am not, I am speaking in a cognate debate on Mr Wood's Gungahlin Drive Extension Authorisation Bill.

MR SPEAKER: You are speaking to the Projects of Territorial Significance Bill and you will be closing the debate on it. You are speaking to both of the bills, but you will be closing the debate on that bill.

MR CORBELL (Minister for Health and Minister for Planning) (12.56 am): Mr Speaker, the Liberal Party's Projects of Territorial Significance Bill is a very wide-ranging piece of legislation. Indeed, it would set an unprecedented level of streamlining and fast-tracking of development projects in the ACT. There are a number of flaws with this bill that need to be addressed in the debate tonight.

The first of these, of course, is that the bill, if enacted, would allow the Chief Minister of the day to determine a particular project to be a project of territorial significance. That determination would then be subject to disallowance in the Assembly. That is where the first problem with the bill comes about. For a bill that claims to be asserting the need to produce and move forward with highly significant projects, it subjects the declaration to a period in this place which is quite the contrary to the need to progress a project in a timely way.

The project declaration has to be sat in this Assembly for the statutory period and that, of necessity, would slow down the period before there can be any certainty as to whether the project actually does have that territorial significance and is accepted as such by the Assembly. So there is a contradiction, first and foremost, in relation to this legislation. Secondly, and I think of much greater concern to the government, the Projects of Territorial Significance Bill says that we accept not only that the Gungahlin Drive extension project is important and should be expedited, but also that any other project which the Chief Minister deems to be worthy and which is accepted by the Assembly should be treated in the same fashion. That presupposes a debate about the worthiness of other projects.

The government's view is that we are dealing with what we know, not with things that may or may not happen in the future. We know that a majority of members in this place and successive assemblies have agreed to the establishment of the Gungahlin Drive extension, to fund the project and to allow the project to proceed. We know that Assembly committees have, by majorities, accepted the need for this important piece of public infrastructure. We know that successive governments have supported the need for this piece of public infrastructure.

So there is a very clear basis on which the government can come to this Assembly and say that this project should be expedited. But there is no clear argument for the Assembly to accept the proposition in the Liberal Party's bill that other projects should have the capacity to have the same expeditious process. Our view is that it should be done in the context of the particular project. That is why we have brought forward project-specific legislation.

The other issue of concern for me and for the government is that Mrs Dunne's bill, whilst suggesting that it alludes to public projects, projects undertaken by the territory, could just as easily be applied to any number of projects instigated by the private sector. There would be nothing to stop the Chief Minister determining under this legislation that a particular private development should be expedited.

Is that appropriate? I think that there is a clear distinction between projects which are expedited in the name of the public good, for the benefit of the territory overall, and projects which are expedited because they are private development proposals. That is another weakness in Mrs Dunne's legislation. There are other contradictory elements of Mrs Dunne's bill, but those, I think, are the key issues that members need to bear in mind.

It is a grave and serious step to propose that people's rights to seek review of decisions of either the Assembly or the executive should in some way be restricted. I do not think that it is a black-and-white issue for any of us. We all routinely accept changes to legislation which ensure that people have the capacity to review a decision through the courts or through a tribunal. But the balance that has to be weighed by all members here tonight is: what is the greater public good? Is the greater public good to retain those rights of review, or to ensure that this significant project which will service the needs of 90,000 of our fellow residents is allowed to proceed in an expeditious way?

On balance, the view that the government has taken is that this project should be allowed to proceed in an expeditious way, because that is where the greater good is achieved. But it is not a simple black-and-white exercise and it should not be characterised as an agreement that, no matter what, rights should be overridden in these sorts of circumstances. It is an on-balance judgment as to whether rights to review should be restricted or curtailed in some way.

But, make no bones about it, this legislation, either the government's or Mrs Dunne's, does that. The difference is that the government feels strongly that its provisions are more comprehensive. Its provisions allow the project to proceed expeditiously and they are done in the context of the Gungahlin Drive extension. They do not take the opportunity that the Gungahlin Drive extension debate opens in this place to say, "Let's get these provisions in for all sorts of other circumstances that might occur in the future." We do not think that that is an appropriate course of action; it is a wider ranging debate.

I am disappointed that the agreement we appeared to have reached at lunchtime today has not eventuated. We will have the debate and see what the outcome is. But the government's position is quite clear: it does not think the Projects of Territorial Significance Bill is the most appropriate course of action. The government prefers its legislation. It is project specific and it is done in the context of the wide-ranging debate and analysis that preceded the decision to build the Gungahlin Drive extension. For that reason, the government believes that its legislation, not the projects of territorial significance legislation, should be supported by the Assembly tonight.

I would urge members to consider very carefully their vote tonight and to appreciate that we should be focusing on project-specific legislation that facilitates this project. Whether these circumstances should be extended to other projects is not a debate for tonight. That

is not about the Gungahlin Drive extension. The purpose of the debate tonight should be about facilitating the provision of the Gungahlin Drive extension as an important piece of public infrastructure for the city of Canberra.

Motion (by **Mr Smyth**) put:

> That the debate be adjourned to a later hour this day.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Gungahlin Drive Extension Authorisation Bill 2004

Debate resumed from 13 May 2004, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Adjournment

Motion (by **Mr Wood**) proposed:

> That the Assembly do now adjourn.

Cafes

MS MacDONALD (1.11 am): I rise to speak briefly about a couple of very fine establishments in my electorate and not far from where I live. The first is a lovely little place called the Curve cafe and restaurant at the Pearce shops. It is owned by Dom Robbie in conjunction with Digby. I do not know Digby's surname; I have to apologise. Dom and Digby established the Curve cafe and restaurant just over a year ago and it was my great pleasure to attend the first anniversary dinner of the Curve cafe and restaurant just a couple of weeks ago—on the Anzac Day holiday weekend.

I wish both Dom and Digby all the best for having established this cafe and restaurant. I enjoy spending many a Sunday morning having coffee there while the other half is doing what he does on a Sunday morning, which I do not partake of, not being of that particular religious persuasion. It is a great place to while away the time and I highly recommend it to members of the Assembly. It has truly added to what is a fantastic place to go and dine out in the suburbs. In the Pearce shopping centre, which is a very small community shopping centre, there are four restaurants. I can say that I have tried all of them and would recommend them all to members of the Assembly.

The other thing I want to say also relates to fine cuisine. I want to commend to the Assembly and express my great joy at the establishment of A Bite to Eat, a cafe in Chifley. I am most excited, Mr Speaker, because ever since my arrival in the suburb of Chifley to live I have been hoping and wishing, almost to the point of praying, for a cafe at my local shops. I now have that and all I need to do is take a five-minute walk or less from my front door and there have coffee served. Once again, I do not know the surnames, but I would like to congratulate Rebecca and Danny on opening A Bite to Eat and wish them all the best of luck with their venture.

Mental health

MR SMYTH (Leader of the Opposition) (1.15 am): Members will be aware that I am committed to big increases in mental health funding by a Smyth Liberal ACT government. Members also will be aware that I have been pursuing Mr Corbell for some time over the relative level of mental health funding per capita over recent years.

I have previously challenged the minister to check the figures he has given to this Assembly on several occasions and to explain the changes in measuring that funding in ACT budget papers which he appears to have been using to create a false impression of the level of increase under this government. I have also challenged him to explain an apparently false boast that his government has given $300,000 for mental health nursing scholarships, as there is no evidence of any such initiative.

On 1 April, a whole series of questions appeared on the notice paper—Nos 1460, 1461, 1462, 1463 and 1464—seeking the truth. Question No 1464, on a relatively minor point, has been answered, as has question No 1463, with the admission that the minister has claimed money set aside by the previous government, a misleading of the Assembly for which the minister is yet to apologise. Both answers were typically late.

The other three questions remain unanswered, although I note that the minister said earlier today that they were in the mail, even though I have already been through the stage of demanding under standing order 118 that the minister explain the lateness of his answers. Last night the minister snuck in here at nearly midnight and conceded in the adjournment debate just one point of the several I have been challenging him on. In fact, he acknowledged only one act of misleading, on 11 March, even though he repeated his claims on both 30 March and 31 March.

It is quite clear that in the background he and his department have been checking on my questions, so why has he still not been accountable to this Assembly over the issue? I warn the minister that if he indeed knows the answers to my questions and he knows that he has misled the Assembly in relation to these issues, then he failed last night to provide full disclosure to the Assembly. Once more I insist that the minister reveal the answers to the questions asked of him. I place him and the Chief Minister on notice that the minister is not living up to the requirements of the ministerial code of conduct, which states:

> All ministers are to recognise the importance of full and true disclosures and accountability to the parliament.

ClubsACT awards for excellence

MRS CROSS (1.17 am): Mr Speaker, I want to speak about the recent ClubsACT awards for excellence for 2004. The Hellenic Club of Canberra finally won some very well deserved awards, in addition to other clubs, but I must mention that the Hellenic Club had been mentioned for many years.

Mr Hargreaves: Like the Burns Club and the Labor Club.

MRS CROSS: I will mention those, if you will be quiet.

Mr Hargreaves: The poker machine riddled Labor Club.

MR SPEAKER: Order! Mrs Cross has the floor.

MRS CROSS: He cannot help himself, Mr Speaker. Australia's largest ethnic club, the Hellenic Club, which has just celebrated its 25th anniversary, also took out the awards for the most popular club, best club for functions, and best restaurant in a club. Its president, Michael George, was presented with the outstanding service award for his services to the Hellenic Club. Over 550 people attended that night. Almost every member of this Assembly was there as a guest of ClubsACT. I thank ClubsACT for their hospitality.

There were 19 awards presented and nine commendations. I would like to acknowledge some of the clubs that received those awards. The competition was spirited in the large club division, with the Hellenic Club, the Canberra Southern Cross Club, the Vikings group, the Canberra Labor Club group, and the Ainslie Football and Social Club all receiving awards.

In the medium club division, West Belconnen Leagues Club, the Mawson Club and the Burns Club shared the honours. West Belconnen Leagues Club was named club of the year in the medium division. The three dining awards were also keenly contested, with Citrus Cafe at the Mawson Club winning the club dining bistro in the under-200 category and the bistro at the Hellenic Club taking out the over-200 category.

The best restaurant in a club went to Trattoria at the Hellenic Club. Danielle Baguley of the Canberra Labor Club won the young achiever award for her personal contribution to the club's operations and made a very fine speech for such a young woman. I was very impressed.

As an Australian of Greek origin, I was extremely proud not only of the awards in general, but also of the success of the Hellenic Club of Canberra. Michael George, the president of the Hellenic Club, who has provided outstanding service to the club for over 25 years, well deserved the outstanding service award. I really must acknowledge Darryl Bozicevic, the CEO of the Hellenic Club, who has helped progress the club in a great way.

It is important that people realise—I think that Mr Smyth touched on this in an adjournment debate a couple of months ago when the Hellenic Club had its

25th anniversary—that, for such a small community, the Greek community has managed to build what we consider to be the best Greek club in the southern hemisphere. American Greeks and Canadian Greeks who visit our shores are truly impressed with the Hellenic Club of Canberra. I commend the Greek community in Canberra, the board, the president, Michael George, the CEO of the Hellenic Club, Darryl Bozicevic, and the staff for their outstanding service to the club, its members and the community.

Mr Joe Roff

MR STEFANIAK (1.21 am): Mr Speaker, I want to pay tribute to one of the greatest footballers Canberra has ever produced.

Mr Hargreaves: Thanks, Bill.

MR STEFANIAK: Well done, John. He is actually from your electorate though; Joe Roff, that is. I first met Joe when I was patron of the ACT schoolboys in about 1993 when two footballers really impressed me, he and Jonah Lomu, who came across with a New Zealand schoolboys team and was playing breakaway then.

Joe went on to play his first year of grade in 1994. He played with Tuggeranong in the last year of the old ACT rugby union competition. That was the first time they won a first grade premiership. In 1995, we had the Kookaburras, who played in the Sydney competition. He played with them and was a foundation member, one of the few remaining, of the Brumbies.

He has represented Australia on numerous occasions. He is the second highest try scorer in the Super 12 competition. Joe has announced that he will be playing his last season for the Brumbies. I can well understand why he has taken that course. He also took a somewhat controversial decision at the end of 2001 when he decided to play overseas. I remember talking to him about that and I fully supported his reasons for doing so.

Although Joe is still fairly young and probably has a few good years left in him, he has given 10 years of exceptionally good service at the top of rugby not only in Canberra and in Australia, but also in the world. He is one try short of Christian Cullen's record for the Super 12. I hope that he will exceed that in his two remaining games with the Brumbies, the semi-final and the final.

Joe played a major part in Australia's getting the World Cup in 1999 and I had the pleasure of seeing him, effectively, being the playmaker in turning the tide in the series against the British Lions in 2001, when he got two tries in the second half. Australia won that game and then won the third test to take an unlikely title from the Lions.

Joe was instrumental in again getting two tries in the Brumbies' first premiership win. He is an excellent player. He is also a magnificent ambassador for the code and a magnificent ambassador for Canberra. He is probably one of the most well-rounded, intelligent, sane—I normally do not say nice things about backs—human beings I have ever had the pleasure of meeting. I wish him and his wife all the best in the future, especially for the next two games. I conclude by wishing the Brumbies all the best as they seek yet another title in the Super 12s.

Canberra Airport Business Park

MR HARGREAVES (1.24 am): Some members may recall that last year I spoke in the adjournment debate in this chamber and expressed concern about the growth of Canberra's airport business park. My concern was that the Commonwealth's regulation of the office park meant that the airport company did not have to comply with ACT planning and land regulations. I also expressed concern that, because the terms of sale of Canberra airport by the Commonwealth did not separately value any component of the land for commercial office space, the airport is able to offer very cheap rents at the expense of investors in Civic and other town centres. Indeed, the airport has itself said that the airport town centre would only be bigger than Tuggeranong and Gungahlin. I drew attention to the impact of this on the Y-plan which has, for almost 40 years, provided the essential framework for infrastructure and investment decisions in the ACT.

In simple terms, the airport was never intended to be a town centre. I suggested that it was scandalous that the Commonwealth had allowed this to occur to the extent that we now have a business park where more than half the tenants are public servants whose agencies have absolutely no connection with aviation. I do not mind saying that I felt a bit lonely at the time because very few people seemed to share my concerns. I am very pleased to say today that attitudes have clearly changed. There have been clear public and private expressions of concern from significant elements of the local and national business community. Several national industry associations have questioned general policies in relation to the regulation of commercial development at airports. This has become a national issue. Accordingly, I thought it only fair that I share my sense of vindication with this Assembly.

I am very conscious of the work of the ACT's Better Planning Group, as I am sure my colleagues are on the other side of the chamber. I am also aware of the national links which that group has established and the general movement of private sector opinion about the privileged position of privatised airports. It seems that even the National Capital Authority may now have a better understanding of the implications of its excessively helpful attitude to the regulation of Canberra airport's non-aviation activity. I have said before that some elements of the ACT business community operate in a very cosy manner. I am not alleging dishonesty, but I do express concern about small-town practices. That is why I think it would be helpful if the Commonwealth made a practice of appointing national business leaders to the board of the National Capital Authority. It has not been a good look to have an NCA Chairman, a former local Liberal candidate in 1987, regulating the business interests of prominent members of the Liberal Party who own the airport. We do not need another local from the Kate Carnell cheer squad succeeding him.

I am fully aware that the owners of the Canberra airport will whinge and carry on about unfair attacks. Let me just say to them that I will be happy when we are able to see some delivery on aviation and freight issues. What has happened to the freight hub? Where is the growth in aviation? Where are the new carriers? All we hear is good PR about the environmental quality of the office park and constant bleating about the need for the airport to be allowed to invent its own noise regulation. Let us see some action on the fundamental business of an aviation industry and a transport hub for the ACT and region.

Child protection services

MRS BURKE (1.27 am): Normally I would rise on this occasion to be fairly positive, as is my wont, but unfortunately tonight I am left with no option but to stand and state how concerned I am at the delay in the release of the Vardon report. I, like all members, received a media release from the Chief Minister today which states:

> Ms Vardon has informed the Chief Minister that she will provide the report to the Government on Monday 17 May 2004.

I remind members that this is an extremely important report. Care and department officials are waiting on the report. The whole sector is in limbo until this report is handed down. There have already been two delays on this report. It was initially scheduled for release on 16 April. At the end of March a three-week extension from the original reporting date was granted—I appreciate that it was at the request of the Commissioner for Public Administration. On Thursday, 6 May, another extension was granted until today. But here we are today and still no report. Because of the urgency, severity and gravity of the issues, I had asked right at the beginning for an interim report to be issued. When I spoke to Ms Vardon she had enough information and probably could have done that; I am disappointed that she did not.

I am disappointed at the leadership that has or has not been shown to this sector which is relying on the report to make some changes. For the public record, I express my extreme disappointment in this government, which, for whatever reason, is withholding the report until Monday. It just does not seem right to me. It is going to take nearly another week for the government, quite rightly, to look at the report. I do not know the reason behind yet another delay. I am disappointed but I look forward to the report. The next step, obviously, will be to implement the key recommendations to improve child protection.

Child protection services

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (1.29 am): Mr Speaker, I rise to quickly address some of the comments made by Mrs Burke. My understanding is that the reason behind the delay is that Ms Vardon has been ill this week with the flu and has had several days off work. In relation to the comments in the Chief Minister's media release, the intention is to get the report out as soon as possible; however, we do not think it is unreasonable that a report of such significance should have the attention of the government for at least a week after receiving it. That decision by the government has been largely brought about by stakeholder requests.

Mrs Burke commented about people being left in limbo. Those people would like to have some briefings on the report and some understanding of what it may say. That is the reason—

Mrs Burke: That's not what it's saying. You're saying something else now.

MS GALLAGHER: No, I am not saying anything else. I am not going to debate this with you; I am just telling you the way it is. The government is going to have that report

for a week. We are hoping to get it on Monday. The delay has been because the commissioner has been sick.

Radio for the print handicapped

MRS DUNNE (1.31 am): I had not planned to speak in the adjournment debate as there is still business before the house. I propose that, once we have resolved the question as to whether or not the house does adjourn, the business should be brought back on. This is the speech I intended to give in the adjournment debate.

Last week marked the 25th anniversary of an organisation that I am very close to—Radio for the Print Handicapped. It used to be 1PPP but was way off the dial and you could hardly get it. Now it is 1RPH—1125 on your AM dial, where we turn print into sound. Radio for the Print Handicapped is a fabulous organisation of volunteers who read print for people who otherwise would not have access to the printed word. They have been beavering away in their studios in Gungahlin, which have been extended over time, for most of the 25 years. I would like to pay tribute to the hundreds of volunteers who give thousands of hours every year so that people who—for whatever reason—have vision impairment, failing health, lack of strength or poor literacy can have access to the printed word.

Radio for the Print Handicapped is now bringing its programs into regional towns like Cootamundra and Wagga and is doing a fantastic job for the region. I feel privileged to be part of an organisation that allows me to indulge my interest in radio, but I am constantly in awe of the great work that people do for no reward—except to know that they are providing a service for people. I pay tribute to all those associated with Radio for the Print Handicapped. Go the Brumbies!

The Parthenon marbles

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (1.33 am): Today I call on the Australian government to publicly declare its support for the return by Britain of the Parthenon marbles to their rightful home in Athens and for this Assembly to acknowledge that.

The Parthenon marbles are a collection of antiquities, mainly sculptures and a frieze, removed from the Parthenon in Greece in 1801 by the then British Ambassador to the Ottoman Empire, Lord Elgin, who intended them as ornaments for his estate garden in Scotland. The Parthenon is one of the most significant buildings of Western civilisation. It has a number of remarkable architectural and geometric characteristics in that each of its parts was individually designed to contribute to the visual appeal of the overall structure. It is a great work of art as well as a great feat of engineering.

The three sets of sculptures created to adorn the Parthenon when it was built between 447 and 432 BC consisted of individual sculptural reliefs of battles, centaurs and Olympian gods; a 160-metre frieze of a temple procession; and pediment statues of gods. Lord Elgin had only been granted permission to take casts of the various works of art adorning monuments in Athens, yet he removed the precious antiquities and transported them back to the British Isles. He was condemned by the British parliament for the theft

of the antiquities; however, the parliament subsequently agreed, 82 votes to 30, to purchase them from him in 1816 for a payment of £35,000.

While the House of Commons ultimately voted in favour of the acquisition of the marbles, many members expressed concern at the manner in which Elgin had used his office to obtain the sculptures. Mr Preston opposed the motion and went on to say at the time "… if ambassadors were encouraged to make these speculations, many might return home in the character of merchants …". Another member, Mr Bankes, noted that Elgin had "… availed himself of his character as an English Ambassador to facilitate the acquisition ...".

The Parthenon marbles remain to this day in the British Museum, having been held there for more than 150 years. The Parthenon marbles are priceless antiquities removed without permission and there is no justifiable reason for them to be retained by a foreign government. While what we now regard as cultural pillage was once quite common, it is well and truly time for the British government to make amends to the government and people of Greece and return the Parthenon marbles. In recent years the campaign to return the Parthenon marbles has gained momentum worldwide. I agree with Mr Evangelos Venizelos, the former Greek Minister of Culture, that this is not a Greek heritage issue as much as it is a world heritage issue. Indeed, it is one of the ancient world's most significant artworks. Mr Venizelos said:

> The request for the restitution of the Parthenon Marbles is not made by the Greek government in the name of the Greek nation or of Greek history. It is made in the name of the cultural heritage of the world and with the voice of the mutilated monument itself, that cries out for its marbles to be returned.

The Parthenon has been awarded the status of the UNESCO world heritage site and is recognised as a universal symbol of freedom and democracy. The Parthenon is of immense importance to world heritage and it is vital for the future study and preservation of the monument that all its artefacts be returned.

The Parthenon marbles are almost equally divided—with the surviving sculptures located in two countries 2,400 kilometres apart. For the past two centuries of the Parthenon's 2,500 years of existence the situation of the sculptural decoration has been: of the 97 surviving blocks of the Parthenon frieze, 56 are in Britain and 40 in Athens; of the 64 surviving metopes, 48 are in Athens and 15 in the British Museum; and, of the 28 preserved figures of the pediments, 19 are in London and nine in Athens. Today, in many cases, one half of a sculpture is in Athens and the other half in London.

During the two centuries of the marbles' exile, the intelligentsia and leading figures of Britain and all Europe have condemned and continue to condemn Elgin's disgraceful actions as a desecration. My appeal to the British government to right this wrong is particularly significant, given that Greece, Australia and Great Britain are united in political, military and economic alliances. Our nations are also strongly bound by the ties of friendship. There is also a special poignancy at this time, in the lead-up to the Olympic Games in Athens, attaching to the continuing desecration of this magnificent building.

This sentiment I express has the overwhelming support of the Greek community in the ACT and strong public and political support from the broader communities of both Australia and Britain. As Mr John Kalokerinos, who is the coordinator of the Australian Hellenic Council based in the ACT, recently said "… from any perspective, whether cultural, historic or artistic the time has unquestionably come for the Parthenon Marbles to be repatriated to their home in Athens where they belong ...".

Why should this Assembly be involved? Why do I raise this issue today? There are a number of reasons. One is that this is not merely a Greek heritage issue but a world heritage issue involving the ancient world's most significant artworks. It is also because of the historic connection between Australians and Greeks.

Repatriation of artefacts

MR CORNWELL (1.38 am): I have listened with interest to Mr Stanhope's comments. I wonder whether we can restrict this simply to the matter of the Parthenon marbles? For example, the Pergamon Museum in Berlin holds an almost complete temple of Zeus, taken from one of the ancient Greek cities in Asia Minor.

I wonder about the obelisk, Cleopatra's Needle, on the Embankment in London, and the other obelisk—a similar needle—in Central Park in New York. I have a book called *The Silk Road.* There is a group of some six panels of horses such as the one owned by Emperor Taizong. Four of the panels remain in China; the other two are now in the museum at the University of Pennsylvania.

I wonder whether some of the things we have in our own War Memorial should be returned? What about the Smithsonian museum in Washington and a number of other museums scattered all over the world? Mr Stanhope talks about the support of Europe. The Germans might like some of the artefacts repatriated from Russia, which were taken as war booty after the Second World War.

I can see a remarkable opportunity for enterprising businessmen in moving these artefacts back and forth across the world. We can perhaps even set up somebody to establish who owns what. It is very easy to talk about one particular issue. I am not arguing the merits of the Parthenon marbles; I am saying that it is very easy—

MR SPEAKER: The time for this debate has expired.

Question put:

> That the Assembly do now adjourn.

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Ms MacDonald	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Mr Cornwell	Mr Stefaniak
Ms Dundas	Mr Stanhope	Mrs Cross	
Ms Gallagher	Ms Tucker	Mrs Dunne	
Mr Hargreaves	Mr Wood	Mr Pratt	

Question so resolved in the affirmative.

The Assembly adjourned at 1.42 am (Saturday) until Tuesday, 22 June 2004 at 10.30 am.

Incorporated documents

Attachment 1
Document incorporated by the Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs

Mr Speaker, I am pleased to introduce the Auditor-General Amendment Bill 2004.

Since coming into effect in 1996, the Auditor-General Act has provided a sound basis for the effective performance of the Auditor-General's functions. Nevertheless, the former Auditor-General, Mr John Parkinson, considered that, over time, experience had shown that some areas of the Act warranted clarification and strengthening.

Consistent with the Government's policy for open and accountable governance, the legislation has been reviewed and a number of changes have been identified to clarify and strengthen the Act. The Bill I table today gives effect to those changes. For the benefit of Members, I will briefly discuss some of the proposed amendments.

The current Act can be interpreted in such a way that individual agencies, rather than activities, must be the subjects of performance audits. This interpretation would mean that an audit of compliance with, for example, Freedom of Information laws would require separate audits of the activities of each agency. The Bill clarifies that the Auditor-General may conduct a single performance audit covering activities common to more than one agency.

A new section has been added to give the Auditor-General power to require a person to answer questions on oath or affirmation and to allow the Auditor-General to administer an oath or affirmation. Inclusion of this section is consistent with the powers of the Commonwealth Auditor-General and most state Auditors-General. The former Auditor-General considered that inclusion of such a provision would enable audits to be conducted more efficiently.

A new section has also been added for the protection of information provided by witnesses so that, other than for an offence against the Act or relevant parts of the criminal code, any information or document obtained will not be admissible in evidence against the person.

The Bill includes a requirement that the Auditor-General be given 'reasonable help' when on premises occupied by the Territory or a Territory entity in the performance of a function under the Act, with appropriate offences for failure to comply with this requirement.

It is also proposed to clarify in the Act that all agencies are required to pay fees for audits of their financial statements. The current section does not cover all entities whose financial statements are audited by the Audit Office.

The Bill also addresses current omissions in controls relating to the reporting of sensitive information. In particular, in addition to the current requirements, a report to the Assembly must now not include information if the disclosure of the information could be an unreasonable disclosure of personal information, or could disclose information having a commercial value. The inclusion of these grounds is consistent with other ACT legislation.

A new provision has also been included to provide that the Auditor-General may include information in a report if he/she is satisfied that the substance of the information is already public knowledge.

The application of the confidentiality provisions under the Act are also to be expanded so that they can be applied to any person provided with information gathered or generated during an audit. This matter was also the subject of a recommendation in the report by the Standing Committee on Public Accounts on its review of Auditor-General Report No. 9 of 2003 "Annual Management Report for the Year Ended 30 June 2003". I will be tabling the Government's Response to that Report later today.

Mr Speaker, I commend the Bill to the Assembly.

Attachment 2
Document incorporated by the Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs

Mr Speaker, I am pleased to introduce the Public Sector Management Amendment Bill 2004.

This Bill amends elements of contract employment arrangements for chief executives and executives in the ACT Public Service. Following amendments to the *Public Sector Management Act 1994* in late 1995, executives are now employed on contracts of up to 5 years. Contracts are subject to provisions in the Act, the Public Sector Management Standards and determinations of the Remuneration Tribunal.

While contracts can be renewed, over time it has become apparent that this framework is quite inflexible and does not respond to organisational change. It does not readily support the development of executives within jobs or across the Service or the need on occasion to marshal senior staff into project teams. The existing framework provides only a limited ability to respond to the needs of managing a responsive public service.

The Review of the Public Sector Management Act by the former Commissioner for Public Administration recommended a return to tenure for executives as part a wider set of recommendations for a new Act. While the Government is considering its response to the Commissioner’s report, this Bill contains a number of intermediate changes to redress the impact of some of the more restrictive elements of the current chief executive and executive employment framework.

This Bill reflects the Government’s commitment to develop a strong executive service based on sound public service values and principles, while grounded in sensible management arrangements and practice. At the same time, the Government must also provide market competitive conditions to retain these staff and respect their contribution to the ACT Public Service.

The legislative changes, which cover both amendments to the Act and to the Public Sector Management Standards, also complement other initiatives such as an executive leadership development program. This program has involved most chief executives and executives in some way since its commencement last year.

The first set of amendments to the Act provides for transfer of chief executives and executives across the public service. While the current framework provides for contract variations, it does not provide specifically for lateral transfer arrangements. Under the proposed changes, Chief Executives can be transferred to at level or to lower level positions, while retaining their current remuneration for the term of their contract. This is appropriate given the small size of our Service and the limited number of jobs at this level. Executives can be transferred at level.

The Bill recognises the need for flexibility in the deployment of senior managers but it also ensures that any views the individual may have are appropriately taken into account in considering the transfer. This reflects arrangements that apply to other staff.

A second change provides for 3 months notice of nonrenewal of a long-term contract or for a payment in lieu of that notice. Under existing arrangements, most executives are not entitled to notice or any payment for nonrenewal. Long serving staff moving into executive positions forgo the benefits of tenure to take a 5 year contract. For these executives, no payment reflecting their long service, other than their accrued leave, is payable at contract expiry.

While the 3 month notice period is not as generous as arrangements for former senior executive service officers, who can receive up to a year's payment on nonrenewal, this change provides a sensible and reasonable entitlement for staff.

A consequential change to section 248 of the Act prevents these staff from accepting another ACT Public Service position during that 3 month period after the expiry of a non-renewed contract unless agreed by the Commissioner for Public Administration. This reflects an existing prohibition on re-engaging executives during the period covered by a redundancy payment.

The third main change to the Act provides for short term contract arrangements of up to 2 years. Currently, short term contracts cannot exceed 9 months. This means that the only way that key staff can be moved to a fixed term project or task of longer than 9 months is to provide long term contracts that override any other employment arrangement. This would mean, for example, that a senior officer taking a 12 month long term executive contract loses his or her substantive position. That is not a workable arrangement. The change therefore reflects the needs of the Service to better manage longer term fixed tasks and projects.

Existing merit arrangements are not diminished by this change. The Act does not mandate merit processes for engagements on short term chief executive or executive contracts (that is contracts up to 9 months). The new arrangements retain this, which means that merit processes are still required for any engagement for a period of longer than 9 months.

The fourth change to the Act provides for increases in remuneration through a contract variation where prescribed by the Public Sector Management Standards. This modifies an existing prohibition in the Act that contract variations cannot be used to increase executive pay.

This prohibition tightly maintains the current 12 point executive pay framework in which a job evaluation methodology sets job levels, which in turn link to Remuneration Tribunal determination of matching pay levels. However, this framework does not reflect the reality that executive jobs often increase in size and

responsibility through organisational changes or that as executives develop in positions they attract new functions.

The proposed arrangement balances the importance of maintaining a consistent service-wide pay structure for executives with the need to reflect increased responsibilities with pay increases. There should be brakes on these arrangements and these will be provided through the Public Sector Management Standards, which are disallowable instruments. The Standards will make sure pay increases are deserved – that is they will need to be supported by a job evaluation – and that there are limits to pay progression without merit processes.

This balances sensible and fair management arrangements with the need to maintain a merit based executive Service with a consistent service wide pay framework.

These changes apply to all existing chief executives and executives. They will flow through to these contracts, as they are all specifically subject to the Act, which includes amendments to the Act. However, given the nature of the changes, there is no prejudicial impact on entitlements.

A number of other technical changes are made. For example, references to Calvary Hospital are updated.

Two sets of amendments to the Public Sector Management Standards are proposed. The first, which will be tabled as a completed instrument, will build in new redundancy entitlements for chief executives and executives that are more in line with those elsewhere in the ACT Public Service.

There is no reason that long serving public service executives should not have their service recognised for redundancy purposes. The fact that part of that service accrued on a rolling executive contract is not sufficient to limit that benefit. Staff promoted to executive positions from within the Service should not lose these entitlements. Further, more generous arrangements are available in the Australian Public Service, our immediate competitor for staff.

A further change to the PSM Standards will be made to support new provisions to increase pay through a contract variation. The Standard, which I will table as a draft Standard, will prescribe when that may occur. First there must be an increase in job responsibilities, supported by a job evaluation. Secondly, the Standard sets the limits on the extent of pay increases through contract variations. The impact is to permit a form of incremental advancement within the first two executive pay zones, and one step increases in the upper pay zone.

The Public Sector Management Act is due for an overhaul. That is recognised by the Commissioner's review of the Act. This Bill makes intermediate changes to address some core issues. It is recognised that they are a first step to wider changes.

Mr Speaker, I commend this Bill to the Assembly.

Following presentation speech:

For the information of members, I now table the draft Management Standard prescribing circumstances for pay increases through contract variations under the Public Sector Management Amendment Bill 2004.

The Management Standard for redundancy entitlements will be tabled in accordance with the process for disallowable instruments.

Attachment 3
Document incorporated by the Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs

Mr Speaker, the Justice and Community Safety Legislation Amendment Bill 2004 is the tenth bill in a series of bills dealing with legislation within the Justice and Community Safety portfolio.

The Bill makes a number of substantive as well as minor and technical amendments to portfolio legislation. The amendments are as follows.

Agents Act 2003
The amendment to the *Agents Act 2003* addresses the problem of theft from trust accounts. Without this amendment, it is possible for agents to pay money out of trust accounts using blank cheques. This loophole can encourage theft of trust money and was once prevented by the *Agents Act 1968,* which is now repealed.

The amendment reinserts the same provision from the repealed Act into the current Act. It provides that where a licensed agent pays money by cheque out of a trust account, the cheque must be payable to a specific person, and must be crossed and marked 'not negotiable'. Due to the seriousness of the issue, breaching this new provision is a strict liability offence.

Civil Law (Sale of Residential Property) Act 2003
The amendment to the *Civil Law (Sale of Residential Property) Act 2003* clarifies the definition of an energy efficiency rating statement under section 20. To avoid confusion, the definition has been changed to specify which energy guidelines are adopted under the Territory plan, being those applying to residential premises only.

Civil Law (Wrongs) Act 2002
The amendment to section 68(2)(b) of the *Civil Law (Wrongs) Act 2002* corrects a minor mistake in the section. It replaces the word 'claimant' with 'respondent'.

There is also an amendment to the *Civil Law (Wrongs) Act 2002* that inserts a transitional provision into the Act. The recent amendments to the Civil Law Wrongs Regulations that commenced in March this year included a transitional regulation that provides the time limit for plaintiffs to provide a notice of claim. The transitional provision is necessary for the smooth operation of the regulations. To remove any doubt about the application of the transitional provision, it has been duplicated as a section of the Act.

Cooperatives Act 2002
The amendment to section 451(2) of the *Cooperatives Act 2002* provides that a person cannot trade or carry on business under the title of a 'cooperative' unless they are registered as a cooperative under the Act, or are an exempt body. Previously, to breach this section was an offence that automatically attracted a maximum penalty of 50 penalty units. This offence has been amended to be more flexible and to avoid the possibility of criminal proceedings.

The amendment provides that the Registrar may serve a notice in writing to an offending person. The notice must advise them that they are breaching the Cooperatives Act and that they have six months to restructure as a cooperative to avoid criminal proceedings.

Crimes Act 1900
The amendment to the *Crimes Act 1900* addresses the problem of assault allegations which are minor being argued in the ACT Supreme Court. Ideally the courts system should allow for only the most serious cases to be heard by the Territory's Supreme Court. These more serious cases are often delayed due to the number of minor assault allegations that 'choke' up the system.

The amendment changes the offence of common assault by shortening the maximum penalty of certain assault cases to six months imprisonment. Attaching a maximum penalty of six months imprisonment to these assault cases ensures that they may be dealt with by the ACT Magistrates Court. This amendment does not affect the ability to have more serious common assault allegations tried on indictment.

Crimes (Forensic Procedures) Act 2000
The Crimes (Forensic Procedures) Act 2000 enables police to take DNA samples from volunteers, suspects and serious offenders. The Act also authorises matching between DNA profiles for the purposes of criminal investigations. Section 97 of the Act contains a table which sets out the law on matching different types of DNA profiles. Anomalies in the table have been identified which rendered the table ineffectual in providing a clear statement on what is, and is not, a lawful match. The amendments eliminate the anomalies in the table.

Domestic Relationships Act 1994
The amendment to the *Domestic Relationships Act 1994* repeals the definition of a 'solicitor' from section 31. The definition of 'solicitor' which is in the *Legislation Act 2001* now applies.

In addition, a transitional provision has been included to facilitate a smooth change with the amendment. This extra provision ensures that the new definition of solicitor applies both before and after the amendment.

Justices of the Peace Act 1989
The *Justices of the Peace Act 1989* was previously silent as to the requirements for the appointment and revocation of appointments for Justices of the Peace in the Territory. As a result, the Legislation Act dictated that all appointments and revocations required consultation with the Standing Committee on Legal Affairs and are disallowable instruments. This procedure is impractical for appointing Justices of the Peace. The amendment provides that the appointments and revocations do not now require consultation with the Standing Committee on Legal Affairs, but are notifiable instruments.

Legislation Act 2001
The amendments to the *Legislation Act 2001* addresses the time limits for commencing prosecutions. The timeline for prosecuting individuals is currently different from the timelines for prosecuting corporations (or individuals who aid and abet corporations). The amendment to the Legislation Act proposes to make the commencement times consistent between the two, by changing the time limit for prosecuting corporations (and individuals who aid and abet corporations).

The amendments also remove a special provision in relation to minor theft. This provision is no longer considered necessary.

Ombudsman Act 1989
This amendment will restrict the Ombudsman from investigating actions taken by a quasi-judicial body when performing a deliberative function. There are already adequate protection measures for individuals in place under the *Administrative Decisions (Judicial Review) Act 1989.*

Security Industry Act 2003
The *Security Industry Act 2003* regulates the ACT security industry. The Security Industry Regulations 2003 include a requirement that applicants for a master licence (except locksmiths) must be members of an industry association approved by the Commissioner for Fair Trading. The amendment duplicates this regulation into the Act to remove any doubt of the requirements.

The Bill also provides that the Commissioner for Fair Trading may exempt people from the requirements to associate. The Commissioner does not need to require membership of an approved industry association where there is a religious or conscientious objection to associating.

Also, section 21 of the Act has been amended to ensure that when deciding on licence applications, the Commissioner for Fair Trading is only required to consider competency standards if standards are prescribed.

Trade Measurement Act 1991
The *Utilities (Consequential Provisions) Act 2000* repealed subsection 6(2)(a) of the *Trade Measurement Act 1991*. The effect of the repeal is that the *Trade Measurement Act 1991* applied to electricity, gas and water meters. This was intended to ensure that there were appropriate consumer protection mechanisms in place. However those consumer protection measures are no longer necessary due to National codes that now provide consumer protection. Therefore subsection 6(2)(a) has been reinserted into the *Trade Measurement Act 1991*.

Mr Speaker, I commend the Justice and Community Safety Legislation Amendment Bill 2004 to the Assembly.

Attachment 4
Document incorporated by the Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming

Mr Speaker, on 23 October 2003, the Government presented its response to the Gambling and Racing Commission's review of the *Gaming Machine Act 1987* (the Gaming Machine Act).

The Gaming Machine Bill 2004 (the Bill) that I am presenting today replaces the Gaming Machine Act to incorporate the Government's response to the Commission's recommendations. Additionally, the opportunity has been taken to fully revamp the legislation to provide other drafting and minor amendments of a non-technical nature to ensure that the ACT's gaming machine legislation is up to date and relevant.

Under the new legislation the *Gaming Machine Act* continues as the primary legislation for controlling all aspects of gaming machine operations in the ACT and the Commission remains responsible for licensing and regulating gaming machine operations.

Mr Speaker, several issues arising from the Government's response to the review have already been brought forward and dealt with by this Assembly. Briefly, those issues concerned Class B gaming machines for taverns, social impact assessments for all applications for new gaming machine licences and the reintroduction of the incentive scheme for contributions to women's sport.

Also, the cap on the number of gaming machines in the ACT was again set at 5200 for a further 12 months to 30 June 2005. This will allow time for the Commission to put in place any new processes and procedures that may be required and to provide for information and education sessions for relevant stakeholders on matters arising from this Bill.

Mr Speaker, this Bill proposes a range of other significant measures that would enhance the regulation of the ACT's gaming machines.

This new legislation expands on the recent amendment that requires a social impact assessment for all new gaming machine licence applications. Under this legislation a social impact assessment will accompany all applications for additional gaming machines as well as to accompany an application by a licensee to relocate their operations to new premises. This broader requirement would ensure that all aspects of an application for gaming machines would be comprehensively assessed and the community would have an opportunity to comment on the proposals.

Mr Speaker, it is recognised that there is a risk some clubs may be established without being bona fide clubs. The eligibility criteria for a gaming machine licence for a club needs to ensure eligibility only remains with those venues that are genuinely not-for-profit.

I believe this Bill achieves a better regulatory outcome by reducing the potential and the ability for some unscrupulous individuals to personally profit from the proceeds of gaming machine operations. This Bill proposes reforms to increase the transparency of operations of club gaming machine licensees and enable the Commission to more closely investigate the bona fides of applicants.

Mr Speaker, the Gaming Machine Act currently requires gaming machine licensees to make specified community contributions. The Act then outlines broad purposes that the community contributions must meet to be eligible and specifies some contributions as not being eligible. The Act also specifies the amount of contributions that are required to be made by licensees that are clubs as well as the records to be kept and the reporting requirements.

Mr Speaker, under the current Act, donations by licensed clubs to registered parties, associated entities, Members of the Legislative Assembly and candidates are specifically excluded from being recognised as eligible community contributions. In addition, donations of this kind have separate reporting requirements and result in a commensurate increase in the level of required community contributions that must be made by licensed clubs.

That is, Mr Speaker, for every dollar a club donates to a political party, or even a Member of this Assembly in fact, it must also donate an equivalent amount towards a community purpose, and that is on top of their other statutory requirements under the Act.

Clubs are generally formed to support activities as agreed by members and in accordance with the individual club's constitution. Some specific clubs have been formed to bring together like-minded individuals who may support for instance, a particular ethnic group, sporting code or even a political party and to advance those particular interests. There are no restrictions on like-minded people forming a club.

Mr Speaker, to single out political party donations in this manner is discriminatory and indicates political bias. That discrimination has now been addressed in the new Bill.

Mr Speaker, it is unlikely that this proposal will have any impact on the level of contributions the clubs will make to the community. It is this Government's view that the removal of these requirements will increase the flexibility for clubs to contribute to activities that are consistent with the objectives and the interests of club members.

Harm minimisation in gambling, Mr Speaker, is a very important issue that this Government takes extremely seriously. In addition to the requirements already contained in the mandatory Code of Practice, this new Bill addresses some of these sensitive issues. For example, the hours of operation of gaming machines will be further restricted as part of a strategy aimed at restricting access to gambling. This Bill provides for the shut down of gaming machines to be extended from the current 3 hours to 5 hours in a 24-hour period.

While the empirical evidence is not conclusive on many harm minimisation strategies, this is not an area where risks can be taken. The Government believes that a number of measures are worthy of consideration while further research is undertaken.

One such strategy is to restrict the denomination of notes that can be placed in note-acceptors attached to gaming machines.

Another harm minimisation strategy proposed in the new Bill is the formalisation of the maximum number of gaming machines permitted in the Territory to the current level of 5200. In addition, any changes to the level of this cap may only be made following an investigation by the Gambling and Racing Commission and subsequent recommendations to the relevant Minister. This investigation must consider a number of predetermined criteria including the demand for gambling in the community, the incidence of problem gambling and the availability of support services for problem gamblers. The amendment of the cap is by a disallowable instrument to ensure that the Assembly has an opportunity to scrutinise the decision.

In conclusion, Mr Speaker, this revised Gaming Machine Act brings the operational and regulatory requirements up-to-date and provides for a transparent, fairer and more responsible way of controlling gaming machines in our community. This Bill reflects on the very good work undertaken by the Gambling and Racing Commission in conducting their comprehensive review of the Act where the community and industry were extensively consulted.

This Bill provides for the future. It would ensure that proper legislative controls would be in place to protect the community as well as providing clarity and certainty for the industry.

Mr Speaker, I commend the Gaming Machine Bill *2004 to the Assembly.*

Attachment 5
Document incorporated by the Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming

Mr Speaker, today I am tabling the *Financial Management Amendment Bill 2004 (No. 2)*. This Bill provides for amendments to the Treasurer's Advance provisions within the *Financial Management Act 1996.*

Mr Speaker, this Government acknowledges the complexities that have arisen with the interpretation and application of the Treasurer's Advance provisions of the Act. This Government is committed to improving the Territory's financial management practices and clearly demonstrates this commitment with the tabling of this Bill.

This Bill amends the Act to:
provide for urgent and unforeseen expenditure;
clarify the term 'expenditure'; and
improve the timeliness for reporting Treasurer's Advance authorisations.

Mr Speaker, this Bill strengthens the Treasurer's Advance provisions within the Act and addresses the previous Auditor-General's concern regarding the legality of the use of Treasurer's Advance. This Bill also incorporates most of the recommendations made by the PAC in its report on the *Financial Management Amendment Bill 2003 (No. 3)*.

I have already tabled the Government's response to the PAC report earlier today. As I noted then, the PAC made four recommendations. The Government agrees with the majority of these recommendations. In speaking to the amendments I am tabling here today, I will also address the relevant recommendations of the PAC Report, as the issues are inter-related.

This Bill represents proposed Government amendments to the Act in relation to the Treasurer's Advance provisions and responds to *Recommendation 1* of the PAC report.

Since the implementation of the Act there has been differing expectations regarding when the Treasurer's Advance provisions can be used. This Bill proposes to clarify the instances in which the Treasurer can have access to Treasurer's Advance funding.

Mr Speaker, this Bill proposes to amend the Act to allow the Treasurer's Advance to be used *where the Treasurer considers the need for the expenditure to be urgent* and allow Treasurer's Advance to be used *where the expenditure is not provided for due to error or understatement or due to it being unforeseen at the time of the original appropriation bill*.

The proposed amendment to the Act is consistent with recommendation 2(a) in the PAC Report, that is, the Treasurer's Advance should "*provide for* ***urgent and unforeseen*** *expenditure, and where there is an error in omission or the understatement of other appropriations*". The proposed amendment is similar to Commonwealth legislation.

However, the effect of this amendment, alone, is likely to result in varying interpretations as to the meaning of the term 'urgent', which could possibly cause potential breaches of the FMA. It is proposed that the ambiguity be resolved by providing in the Financial Management Guidelines that "there is an urgent need for expenditure if the expenditure is needed because available funding for the financial year in which the expenditure is to be authorised will be, or is close to being, exhausted.
The proposed definition of 'urgent need for expenditure' is similar to the Commonwealth's definition of 'urgency' and is consistent with the recommendation 2(b) in the PAC Report. However, the Commonwealth's operational guidelines for the Advance to the Finance Minister defines 'urgent need for expenditure' as meaning "*that Advance to the Finance Minister will be available only if an agency has exhausted, or is close to exhausting, all available funding under the relevant appropriation. "Close to exhaustion" in this context means that an agency expects to exhaust its available appropriation within two weeks*."

It is important to note that the Commonwealth's definition reflects the cash basis upon which appropriations are managed in the Commonwealth. The definition this Government proposes reflects the ACT's accrual-based financial management framework.

Mr Speaker, section 18 of the Act currently allows the Treasurer to authorise expenditure against the amount appropriated for Treasurer's Advance. The Act, however, does not define the term 'expenditure'.

It is proposed that the term "expenditure", for the purposes of the Treasurer's Advance provisions of the Act, will mean making payments, or entering into a contract to make payments for output delivery, or payments on behalf of the Territory, for goods, services (including employee services), grants, subsidies or from capital injections.

Treasurer's Advance can only be used where the Territory makes payments within the financial year, or has a firm commitment in place to make such payments. The intention will be to include any expenditure that is covered by new or existing contracts or other non-cancellable obligations (such as Deeds of Agreement), and to exclude expenditure that does not have such a firm commitment in place.

It should be noted that the requirement of "entering into a contract" relating to payments to a provider, resulting from the provision of goods and/or services does not necessarily require the payment of cash within the same financial year as the authorisation. This is consistent with the well-accepted principles of accrual accounting and recommendation 2(c) in the PAC Report.

Mr Speaker, the proposed amendments to the Act restricts the use of Treasurer's Advance. The Bill makes it quite clear that payments can only be made where an urgent need exists to make payments, or enter into a contract to make payments for output delivery, or payments on behalf of the Territory, for the acquisition of goods, services, grants or capital projects. It prevents the internal transfer of funds within

the Territory from being included as expenditure for the purposes of the Treasurer's Advance provisions. This will prevent misinterpretation of section 18, similar to the Housing situation that was the subject of the previous Auditor-General's criticism, from occurring in the future.

Mr Speaker, this Bill further strengthens the level of accountability to the Legislative Assembly by amending section 18 so as to improve the timeliness for reporting Treasurer's Advance approvals.

Currently the Act requires the Treasurer to present a copy of the authorisation for the Treasurer's Advance together with a statement of reasons for the approval to the Legislative Assembly, **as soon as practicable after the end of the financial year**. The Bill proposes the timeliness be improved by requiring the information to be presented to the Legislative Assembly **within 3 sitting days after the Treasurer's Advance has been authorised**.

The Bill also proposes that this information be presented cumulatively and that a summary of total expenditures be tabled within three sitting days after 30 June each year.

Mr Speaker, this is consistent with recommendation 2(e) in the PAC Report. However, the Government amendments propose to table the summary information within three sitting days **after** 30 June each year as opposed to the PAC's recommendation of tabling this summary **at** 30 June each year. This will allow all Treasurer's Advance authorisations, including those issued on 30 June, to be incorporated in the summary.

In conclusion Mr Speaker, the amendments proposed in this Bill are aimed at clarifying the Treasurer's Advance provisions within the Act and promoting efficient financial management practices. I trust that Members will support this Bill.

Mr Speaker, I commend this Bill to the Assembly.

Attachment 6
Document incorporated by the Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming

Mr Speaker, the *Revenue Legislation Amendment Bill 2004* (the Bill) is an omnibus Bill. It amends the *Taxation Administration Act 1999* (Taxation Administration Act) in relation to a director or former director's liability for its corporations tax liabilities. It also amends the *Payroll Tax Act 1987* (Payroll Tax Act) to introduce joint and several liability provisions for members of a group. Mr Speaker, these provisions will apply to any liability that exists when the Bill commences.

These amendments are a consequence of the *Final Report of the Royal Commission into the Building and Construction Industry* (the Cole Royal Commission). Mr Speaker, the Cole Royal Commission recommended that all States and Territories adopt provisions similar to NSW where they impose liability on directors or former directors, and group members, to help reduce fraudulent conduct and the evasion of taxation responsibilities. While the Cole Royal Commission only dealt with the building and construction industry, the NSW provisions it recommends relate equally to all corporations regardless of their industry.

The Bill amends the Taxation Administration Act to ensure that directors or former directors of corporations are liable for their corporation's unpaid taxes. Under this amendment, a director will

be liable from the time the corporation first became liable, even if they are a former director when the assessment is issued. If there was more than one director at the time the corporation became liable to a charge, then each will be jointly and severally liable with the corporation for any unpaid tax.

The Bill also amends the Payroll Tax Act to make every member of a group jointly and severally liable for the payroll tax debts of every other member of the group. This amendment works in conjunction with the Taxation Administration Act provisions but only applies to payroll tax debts as group members share the threshold, thereby creating a distinct connection between the group members. This connection does not exist for other taxes.
clarity

Phoenix companies have been particularly targeted by this Bill. The provisions ensure that debts accrued by phoenix corporations can be pursued through the joint and several liability of the group members, and also through the directors or former directors of the corporations. This breaks the cycle whereby directors dissolve a corporation leaving it with no assets, the debts are written off, and the same director then performs the same business using a different corporation name.

Mr Speaker, I would like the Assembly to note that if corporations comply with the existing legislation and take appropriate measures to pay their tax liabilities their directors will not be affected by this Bill. The provisions are designed to encourage voluntary compliance by corporations and their directors and do not impose any additional penalties on a tax defaulter.

Mr Speaker, I commend the *Revenue Legislation Amendment Bill 2004* to the Assembly.

Attachment 7
Document incorporated by the Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage

Mr Speaker, the Stanhope Government is continuing to meet its responsibilities under the Recommendations of the Board of Inquiry into Disability Services in the ACT.

Today it is my pleasure to table the third six-monthly progress report on the implementation of the Recommendations.

Some nineteen months have now passed since I tabled the Government's original response to the Inquiry Recommendations. To this end, the third Progress Report is a "full progress report" on the past 19 months — containing details of all activities undertaken against each of the recommendations from September 2002 through to April 2004.

Mr Speaker, I would like to take a moment to highlight a few of our more significant achievements.

The Department of Disability, Housing and Community Services was established in July 2002. This was in response to both the Board of Inquiry and the Reid Review recommendations and acknowledged the key roles that these program areas had on people's lives and well being.

In recognition of our responsibilities to provide for the well being of people with disabilities, the Government established Disability ACT as a dedicated disability agency within the new Department.

Its mandate was to achieve a vision for all people with a disability "to achieve what they want to achieve, live how they want to live, and be valued as full and equal members of the ACT community".

Government provided an additional $2.5 million in the 2002-2003 Budget and a further $1.5 million in the 2003-04 Budget to assist Disability ACT meet its mandate – a total of $4.0 million. Additional funding for respite services – $4.0 million over four years – was also provided to ACT Health.

One million dollars was allocated to the Post School Options program to assist young people with a disability to transfer from school to employment and adulthood.

$500,000 was allocated to early intervention services for children with autism, and to facilitate the employment of additional psychologists, therapists and social workers. A further $460,000 was also allocated to establish the single therapy service – Therapy ACT.

Importantly, $800,000 was allocated in 2002-03 and a further $600,000 in 2003-04 to support those people with high and complex needs.

The remaining funding was allocated to the new Taxi Subsidy Scheme, day support programs, and to progress reforms and sector development.

Disability ACT has significantly increased opportunities for individuals, families and carers to influence the development and implementation of supports and services provided for them.

Five joint community and government reform working groups provided advice and guidance to assist Disability ACT in the formulation of policy in areas including access, eligibility, funding, quality, housing, legislation and workforce.

A new Disability Advisory Council was established that combines the functions of the former Council and the Disability Reform Group, and has a significant role in advising Government on issues of strategic importance to people with a disability in the ACT.

In July 2003, the Government launched the Access to Government Strategy, encouraging ACT Government Departments and instrumentalities to meet their responsibilities to people with a disability as defined by the Commonwealth Disability Discrimination Act and the ACT Discrimination Act.

The Individual Support Service within Disability ACT has established a Community Linking and Needs Assessment Service. This service provides a single point of entry to Disability ACT services and funding.

It also assists families and individuals to plan for the future and to access community supports and resources to implement these plans.

A review of all service purchasing agreements between Disability ACT and non-government service providers has been completed, enabling feedback on the effectiveness and suitability of the purchasing contracts.

The information gathered is being used to assist the development of revised purchasing processes, including the introduction of standardised human service purchasing contracts across the ACT Government.

Mr Speaker, these and many other achievements are detailed in the Progress Report that I table today. Many of the Recommendations of the Board of Inquiry require long-term progressive change.

Nonetheless, the implementation process is currently assessed — overall — at 75 per cent complete.

Timelines are provided in the Progress Report for on-going work. Within six months — and within its current term of office — it is anticipated that the Stanhope Government will have effectively implemented or put in place processes to ensure implementation of the Recommendations of the Board of Inquiry.

To guide our way forward, on Monday 10 May 2004 I released "Future Directions for Disability ACT 2004-2008".

This is a forward planning document for the next four years and takes into account the key themes raised by the Board of Inquiry concerning person-centred planning, family and carer support, as well as individualised planning, funding and support.

"Future Directions" is underpinned by four key priorities:

influencing policy and culture to promote an inclusive society;

improving government and community responses to people with disabilities, their families and carers;

improving planning and funding to better meet the needs of people requiring ongoing support; and

developing a sustainable and responsive service delivery sector.

In addition the Forward Plan targets the priority areas of:

families of young children with a disability.

young people with a disability;

older people with a disability;

mature carers;

people with a disability from an Aboriginal and Torres Strait Islander background; and

people who have high and complex needs due to their disability.

Mr Speaker, the "Future Directions" articulates a course of action that will take us beyond our immediate responsibilities arising from the Recommendations of the Board of Inquiry.

A series of detailed action plans for each of the strategic directions and priority areas will be developed in partnership with the community.

While very significant progress has been achieved over the last eighteen months, there is still much to be achieved.

Together, the third Progress Report and the Forward Plan for 2004-2008 demonstrate this Government's continuing commitment to sustainable, long-term reforms that will make a genuine difference to the lives of people with a disability.

Copies of the Third Six Month Progress Report and the Forward Plan can be accessed on the Disability ACT website at www.dhcs.act.gov.au/DisabilityACT/Publications/Publications.htm or by telephoning Disability ACT on 62072323

Schedules of amendments

Schedule 1

Appropriation Bill 2003-2004 (No. 3)

Amendments moved by the Treasurer

1
Clause 6 heading
Page 2, line 17—

omit clause 6 heading, substitute

6 Additional appropriations of $107 912 000

2
Clause 6 (18)
Page 4, line 30—

omit

$13 584 000

substitute

$18 166 000

Schedule 2

Electoral Amendment Bill 2003

Amendments moved by Ms Dundas

1
Proposed new clause 3A
Page 2, line 8

insert

3A New section 3A

3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- section 143

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct, intention, recklessness*** and ***strict liability***).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

2

Proposed new clause 16A
Page 7, line 22

insert

16A Section 143

substitute

143 Soliciting applications for postal declaration votes

(1) A person commits an offence if the person does anything to induce someone else—

(a) to complete an application form for declaration voting papers for postal voting; and

(b) to return the completed form to an address that is not an address authorised by the commissioner.

Maximum penalty: 30 penalty units.

(2) A person commits an offence if the person does anything to induce someone else to complete an application form for declaration voting papers for postal voting that is not the form approved under section 340A for the application form.

Maximum penalty: 30 penalty units.

(3) An offence against this section is a strict liability offence.

3
Proposed new clause 58A
Page 17, line 13—

insert

58A Amounts received
Section 232 (2)

omit

$1 500

substitute

$50

Schedule 3

Electoral Amendment Bill 2003

Amendments moved by Mrs Cross

1

Clause 5
Proposed new section 89 (f)
Page 2, line 19—

omit

100

substitute

50

2
Clause 6
Proposed new section 89 (2)
Page 2, line 23—

omit

100

substitute

50

3
Clause 9
Proposed new section 93 (1) (a)
Page 3, line 13—

omit

100

substitute

50

4
Clause 10
Proposed new section 95B (1)
Page 3, line 18—

omit

1 July

substitute

31 July

5
Clause 11
Proposed new section 97A
Page 4, line 12—

omit

100

substitute

50

6
Proposed new clause 11A
Page 4, line 15—

insert

11A **Cancellation of registration of political parties and ballot groups**
Section 98 (6) (a) (ii)

omit

100

substitute

50

8
Clause 13
Page 4, line 22—

omit the clause, substitute

13 **Grouping of candidates' names**
New section 115 (4) to (7)

insert

(4) Subsections (5) and (6) do not apply to a non-party candidate to whom subsection (2) applies.

(5) If there are not more than the relevant number of non-party candidates for an election, their names must be grouped on the ballot papers for the relevant electorate in a separate column in an order decided by the commissioner by lot.

(6) If there are more than the relevant number non-party candidates for an election, their names must be grouped on the ballot papers for the relevant electorate in columns of not more than the relevant number of candidates for the electorate decided by the commissioner by lot.

(7) In this section:

relevant number means—

(a) for a 5 member electorate—5; or

(b) for a 7 member electorate—7.

13A **Printing of ballot papers**
Section 116 (1) (d)

substitute

(d) if there are grouped and ungrouped candidates—the names of all ungrouped candidates must, subject to subsection (6), be printed in a single column; and

13B **New section 116 (3A)**

insert

(3A) Subsection (3) (a) does not apply in relation to columns of ungrouped candidates.

9
Proposed new clauses 61A, 61B AND 61C
Page 18, line 3—

insert

61A **Section 342 (1)**

omit

(1) The

substitute

The

61B **Section 342 (2)**

omit

61C **New sections 343 and 344**

343 **Application of amendments by Electoral Amendment Act 2004**

The amendments made by *Electoral Amendment Act 2004*, section 10 (New section 95B) apply in relation to each ordinary election after the ordinary election due to be held on 16 October 2004.

344 **Expiry of pt 20**

This part expires on 31 December 2004.

10
Proposed new clause 61D
Page 18, line 3—

61D **Form of ballot paper**
Schedule 1

substitute

Schedule 1 **Form of ballot paper**

(see s 114)

Legislative Assembly for the Australian Capital Territory

Ballot paper **Election of [1] Member(s)**

Electorate of [2]

Number [1] boxes from 1 to [1] in the order of your choice

Then you may show as many further preferences as you wish by writing numbers from [3] onwards in other boxes.

A [4]	**B** [4]	**C** [4]	**D** [4]
☐ [5] [6]	☐ [5] [6]	☐ [5] [6]	☐ [5] [6]
☐ [5] [6]	☐ [5] [6]	☐ [5] [6]	☐ [5] [6]
☐ [5] [6]	☐ [5] [6]	☐ [5] [6]	☐ [5] [6]

Remember, number at least [1] boxes from 1 to [1] in the order of your choice.

1. Insert number of vacancies

2. Insert name of electorate

3. Insert the number that is 1 more than the number of vacancies

4. Insert name, or abbreviation of name, of registered party, registered ballot group or 'UNGROUPED', as the case requires

5. Insert name of candidate

6. Insert name, or abbreviation of name, of registered party, registered ballot group, 'INDEPENDENT' or ungrouped candidates, as the case requires

Schedule 4

Electoral Amendment Bill 2003

Amendments moved by the Attorney-General

1
Title

after

Electoral Act 1992

insert

and the *Referendum (Machinery Provisions) Act 1994*

2
Clause 10
Proposed new section 95B (1)
Page 3, lines 22 and 23—

omit

or ballot group

13
Proposed new clause 69 and schedule 1
Page 19, line 14—

insert

69 Referendum (Machinery Provisions) Act 1994, section 17 (3) (a)

omit

, registered ballot group

Schedule 1 Further amendments about ballot groups

[1.1] Part 7 heading

omit

and ballot groups

[1.2] Section 88 heading

substitute

88 Register of political parties

[1.3] Section 88 (1)

substitute

(1) The commissioner must keep a register of political parties.

[1.4] Section 88 (2)

omit

A register

substitute

The register

[1.5] Section 88 (2) (c)

omit

party or group;

substitute

party.

[1.6] Section 88 (2) (d)

omit

[1.7] Section 88 (3)

omit

each register

substitute

the register

[1.8] Section 89A

omit

[1.9] Section 91 (2) (a) (iv)

omit

[1.10] Section 91 (2) (b)

omit

, for an application for registration of a political party,

[1.11] Section 91 (5)

omit

, for an application for registration of a political party,

[1.12] Section 92 heading

substitute

92 Registration of political parties

[1.13] Section 92 (4)

substitute

(4) The commissioner must also give notice of the registration to the secretary of the political party.

[1.14] Section 93 (2) (c), (d) and (g)

omit

or a registered ballot group

[1.15] Section 93 (2) (h)

omit

[1.16] Section 93 (3) (a)

omit

, or the MLA who applied to register the group,

[1.17] Section 95 (2)

omit

[1.18] Section 95 (3)

substitute

(3) This part (other than section 94 and this section) applies, with all necessary changes, to an application under subsection (1), as if it were an application for registration of the political party and any objection to the application were an objection to the registration.

[1.19] Section 97 (1) (b)

omit

or the sponsoring MLA of the group

[1.20] Section 98 heading

substitute

98 Cancellation of registration of political parties

[1.21] Section 98 (2)

omit

[1.22] Section 98 (3)

omit

or (2)

[1.23] Section 98 (8)

substitute

(8) For subsection (7) (a), the ***relevant person*** is the secretary, or last secretary, of the registered party.

[1.24] Section 98 (10)

omit

[1.25] Section 98 (14)

substitute

(14) If the commissioner cancels the registration of a registered party under subsection (6), the commissioner must give a review statement about the decision to cancel the registration to the registered officer, or last registered officer, of the party.

[1.26] Section 99 heading

substitute

99 Use of party name after cancellation

[1.27] Section 99 (1) (b)

omit

, or a ballot group,

[1.28] Section 99 (2) and (3)

omit

[1.29] Section 105 (2) (b)

omit

[1.30] Section 117 (1), definition of *ballot group name*

omit

[1.31] Section 117 (2) (c) and (d)

omit

[1.32] Section 117 (2) (e)

omit

, ballot group or grouped

[1.33] Section 198, definition of *ballot group*

omit

[1.34] Section 198, definition of *reporting agent*

omit

, group

[1.35] Section 198A heading

substitute

198A Reference to things done by party etc

[1.36] Section 198A (2)

omit

[1.37] Section 200 (1)

omit

or ballot group candidate

[1.38] **Section 203 (2)**

omit

[1.39] **Section 203 (3) and (4)**

omit

or (2)

[1.40] **Section 205 (4) (c)**

omit

[1.41] **Section 205 (5)**

omit

, secretary of the party, or sponsoring MLA of the ballot group

substitute

or secretary of the party

[1.42] **Section 208 (2)**

omit

or ballot group's

[1.43] **Section 218A (3)**

omit

[1.44] **Section 218A (8), definition of *relevant person*, paragraph (b)**

omit

[1.45] **Section 222 (7), definition of *relevant person*, paragraph (b)**

omit

[1.46] **Section 230 heading**

230 **Annual returns by parties and MLAs**

[1.47] **Section 231 (1) (b)**

omit

[1.48] **Section 237 (8) (a)**

omit

a ballot group or MLA

substitute

an MLA

[1.49] **Section 237 (8) (b)**

omit

ballot group or

[1.50] **Section 292 (1) (b)**

substitute

(b) if the matter was published for a registered party or candidate for election—the name of the party or candidate.

[1.51] Section 304 and 337 (1) (h) and (i)

omit

, registered ballot group

[1.52] Schedule 1, form of ballot paper, instructions 4 and 7

omit

or registered ballot group

[1.53] Dictionary, definition of *abbreviation*

substitute

abbreviation, of the name of a political party, includes an alternative name of the party.

[1.54] Dictionary, definition of *ballot group*

omit

[1.55] Dictionary, definition of *ballot group* candidate

omit

[1.56] Dictionary, definitions of *registered* and *registered ballot group*

substitute

registered, for an abbreviation of the name of a registered party, means an abbreviation included in the particulars for the party in the register of political parties.

[1.57] Dictionary, definition of *registered officer*

substitute

registered officer, for a registered party, means the person whose name is entered in the register of political parties as the registered officer of the party.

[1.58] Dictionary, definition of register of *ballot groups*

omit

[1.59] Dictionary, definition of *sponsoring MLA*

omit

[1.60] Further amendments, mentions of ', ballot group'

omit

, ballot group

in

- section 4 (2) (d)
- section 198, definition of ***register***, paragraph (a)
- section 198, definition of ***reporting agent***

- section 205 (1)
- section 218A (1)
- section 220 (1)
- section 221A (1), (2) (b), (3) (c) and (5)
- section 221B (1)
- section 222 (1), (2) and (3)
- section 224 (4)
- section 230 (1), (2) and (4)
- section 231 (2)
- section 232 (1)
- section 234 (1)
- section 239 (2) and (3)
- section 242 (3) (b)

[1.61] Further amendments, mentions of 'and ballot groups'

omit

and ballot groups

in

- section 95A (2) (b)
- section 203 (4)
- section 204 (2)
- section 245 (k)
- section 247 (3) (a) (i)
- dictionary, definition of ***registered party***
- dictionary, definition of ***related*** political parties

[1.62] Further amendments, mentions of 'or group'

omit

or group

in

- section 88 (2) (a) and (b)
- section 91 (2) (a) (ii) and (iii)
- section 92 (1)
- section 93 (1) (b), (c) and (2)
- section 97 (1) (a) and (1) (b) and (5)
- section 98 (6) (b), (7) (a) (i), (7) (b) (i) and (15) (a)

- section 105 (4) (f)
- section 200 (1)
- section 301 (3) (b)

[1.63] Further amendments, mentions of 'or ballot group'

omit

or ballot group

in

- section 88 (2)
- section 91 (1) and (2) (a) (i)
- section 91A (1), (2) and (4)
- section 92 (1), (2) and (5)
- section 93 (1), (2), (3) and (4)
- section 94 (1) and (6)
- section 96
- section 201 (2), definition of ***disclosure day***, paragraph (b) (i)
- section 203 (4)
- section 204 (1) and (2)
- section 208 (2)
- section 212 (1)
- section 220 (6) (c)
- section 224 (3)
- section 225 (3)
- section 230 (8)
- section 231 (2)
- section 236 (1), penalty, paragraph (a)
- section 237 (3) (b) and (6)
- section 245 (h), (i) and (k)
- section 247 (3) (a) (i)
- section 291, definition of ***address***, paragraph (a)

[1.64] Further amendments, mentions of ', ballot groups'

omit

, ballot groups

in

- section 198, definition of ***associated entity***
- section 231 (2)
- section 231B (4) (a)
- section 232 (1)

[1.65] Further amendments, mentions of 'or registered ballot group'

omit

or registered ballot group

in

- section 93 (1) (b)
- section 95 (4)
- section 96A
- section 97 (1), (4) and (5)
- section 98 (6), (7), (11) and (15)
- section 105 (4) (f)
- section 109 (2) (b)
- section 115 (1)
- section 289 (1) (a)
- section 291, definition of ***address***, paragraph (a)
- section 301 (3) (a)

[1.66] Act—renumbering

renumber subsections, paragraphs and subparagraphs when Act next republished under Legislation Act

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Schedule 5

Electoral Amendment Bill 2003

Amendments moved by the Attorney-General

1
Clause 20
Section 198, definition of *gift*, proposed new paragraph (d)
Page 11, line 6—

omit

ballot group

substitute

non-party group

2
Clause 28
Page 12, line 12—

omit clause 28, substitute

28 Who eligible votes are cast for
Section 206 (a)

substitute

(a) an eligible vote cast for a party candidate is taken to be cast for the party and not for the candidate; and

3
Clause 29
Proposed new section 207 (2)
Page 12, line 22—

omit

ballot group

substitute

non-party group

4
Clause 31
Page 13, line 1—

omit clause 31, substitute

31 Making of payments
Section 212 (3)

omit

or ballot group

5
Clause 33
Page 13, line 11—

omit clause 33, substitute

33 Death of candidate
Section 214 (2) (a)

omit

or ballot group

6
Clause 43
Section 221A (6), definition of *gift*, proposed new paragraph (b)
Page 15, line 7—

omit

ballot group

substitute

member of a non-party group

8
Clause 51
Section 233, definition of *participant*, proposed new paragraph (a)
Page 16, line 10—

omit

ballot group

substitute

non-party group

9
Clause 61
Page 17, line 20—

omit clause 61, substitute

61 Noncompliance with pt 14
Section 241 (2) (a)

omit

or ballot group

Schedule 6

Electoral Amendment Bill 2003

Amendments moved by Ms Tucker

1
Clause 34
Proposed new section 217 (3)
Page 13, line 20—

omit proposed new section 217 (3), substitute

(3) However, the reporting agent is not required to state the matters mentioned in subsection (2) (c) to (e) for a gift by a person if the amount of the gift and the total of all other gifts made to the candidate by the person is less than $200.

2
Clause 35
Page 13, line 24—

omit clause 35, substitute

35 Disclosure of gifts—non-party groups
Section 218 (3)

(3) However, the reporting agent is not required to state the matters mentioned in subsection (2) (c) to (e) for a gift by a person if the amount of the gift and the total of all other gifts made to the non-party group by the person is less than $200.

Schedule 7

Electoral Amendment Bill 2003

Amendments moved by Mr Stefaniak

1
Clause 41
Proposed new section 221 (1)
Page 14, line 20—

after

the same

insert

non-party group or

2
Clause 48
Proposed new section 222 (7), definition of *prescribed amount*
Page 15, line 24—

omit the definition, substitute

prescribed amount, for a gift made to or for the benefit of a party, ballot group, MLA, associated entity, candidate or non-party group, means $1500.

Schedule 8

Electoral Amendment Bill 2003

Amendment moved by Ms Dundas to Mr Stefaniak's Amendment No. 2

1
Clause 48
Proposed new section 222 (7), definition of *prescribed amount*
Page 15, line 24—

omit "ballot group"